REPORT
on
GENERAL ELECTIONS
in
PAKISTAN

1964–65

Volume I

ELECTION COMMISSION

CONTENTS

Assembly was handed over sovereign powers on the 14th August, 1947 as the Central Legislature and the Constitution making body for Pakistan.

7. The Government of India Act provided for a restricted franchise for the Provincial Assemblies; but, on the eve of the Provincial elections in the Punjab (1951), the Act was amended and adult franchise was introduced in the country. Each of the then existing provinces of Pakistan conducted a general election to its Provincial Assembly by 1954. The second Constituent Assembly of Pakistan was elected in 1955, on the same basis as the first Constituent Assembly, with these newly elected Provincial Assemblies as the Electoral College. The number of the Members of this Assembly was restricted to 80; the number of the Members of first Constituent Assembly was 69 originally but was later increased by ten.

8. The first Constitution was promulgated in 1956. It provided for elections of Assemblies on the basis of adult franchise and that of the President through an Electoral College comprising of the Members of these Assemblies. The Election Commission appointed under the 1956 Constitution made necessary preparations to hold the elections which were scheduled to be held in 1958-59. Before these elections could be held, the Constitution was abrogated by the proclamation of 7th October, 1958. While explaining the circumstances which led to the abrogation of the Constitution, a specific reference was made in the proclamation to elections. It said that the same group of people, who had brought Pakistan to the verge of ruination would rig the elections for their own ends, that the elections would be contested mainly on personal, regional and sectarian bases and that the elections would neither be free nor fair. The Revolutionary Government, therefore, felt that elections held in such circumstances would have no real purpose.

9. The Revolutionary regime promulgated the Basic Democracies Order, 1959, whereby a system of local administration was introduced. The Revolutionary regime was of the view that this system would bring about a keen sense of participation amongst the people in the governance of the state. With this end in view 4,000 such local councils were set up in each province with an average of ten elected members to a council. The local elections were completed in a very short time under the authority and supervision of local officers of the Divisional and District|Sub-Divisional levels. The adult franchise rolls,

prepared in 1957-58 by the then Election Commission, were modified and rearranged by the District authorities and used for the purpose of these elections. The electorate consisted of 3,37,63,886 adults. Out of these actually 2,05,75,461 cast their votes in 61,083 constituencies. A total number of 1,44,284 candidates contested these elections including 17,394 candidates returned unopposed.

Presidential Ballot.

10. Before the completion of elections, referred to above, an Order, namely, the Presidential (Election and Constitution) Order, 1960 (President's Order No. 3 of 1960) was promulgated. This Order stated that :

> " As soon as conveniently may be, upon the completion of the first general elections under the Basic Democracies Order, 1959, the persons declared to have been elected members of the local councils under that Order shall be called upon by the Election Commission of Pakistan to declare, by vote, in a secret ballot to be held by the Commission, whether or not they have confidence in the President. "

In pursuance of this Order, a Presidential Ballot was held by the Election Commission on the 14th February, 1960. Seventy five thousand two hundred eighty three elected members of the Basic Democracies out of 78,720 expressed their confidence in the President, Field Marshal Muhammad Ayub Khan. This, according to the terms of reference, gave him a mandate to take necessary steps for the making of a Constitution. He was also to be deemed to have been elected President of Pakistan to hold office thenceforward and for the first term of office of the President under that Constitution.

The 1962 Constitution.

11. As a first step towards the making of a Constitution, a Commission was set up with a retired Chief Justice of the Supreme Court as its Chairman. The Commission's recommendations contained the broad outlines of a Constitution which, they claimed, suited the genius of the people. The Revolutionary Government, after due deliberation, promulgated a Constitution which came into force on the 1st March, 1962. This Constitution provides that an Electoral College shall be elected on the basis of adult franchise, each member of the College representing a specified territorial electoral unit. The number of units shall not be less than 40,000 in each Province, the exact number being subject to fixation by law, provided that the number of

electoral units in each province shall be the same. The College shall then elect the President and Members of the National and Provincial Assemblies by the method of a single non-transferable vote.

12. At the time of the promulgation of the Constitution, Martial Law was still in force and it had been decided to lift it only after the creation of the Legislative Assemblies. Part XII of the Constitution provided for the continuation of Field Marshal Mohammad Ayub Khan as President, under the Constitution, for the first term and for the conduct of the Government by him till fresh elections had been held.

The Philosophy of the system of Basic Democracies.

13. The philosophy of the system of Basic Democracies, as explained by the Government, was that Pakistan, like other under-developed countries, presented a special problem for the satisfactory working of democracy ; as, it was difficult to communicate with the mass of voters, and to present to them the personalities and the issues for whom and upon which they were invited to vote. This view was further strengthened by the fact that in Pakistan, the percentage of literacy was 19.2. The number of persons who could read and intelligently assess the views presented to them by the Press and other media was still fewer. The total circulation of all the news-papers in the country was about 6,50,000 and the number of radio sets was about 9,00,000. The situation was also affected by the fact that about 80% of the total population lived in over one hundred thousand scattered villages with poor transport and communication facilities.

14. Under the above circumstances, the Government considered it futile to ask the masses directly to elect the President or members of the Assemblies, as this would require them to choose between persons who might be known to them only vaguely and whose policies or abilities could not possibly be assessed by them. There was also the danger that they might be influenced by emotional, religious, racial or other extraneous considerations to an extent far beyond what is usual in societies where the ratio of literacy is high and means of communication easily available.

15. The system of Basic Democracies as conceived by the Revolutionary Government seeks to present the electorate with a simple choice between candidates who are known to them personally. They can assess the merits of such candidates as individuals. The last elections proved that there was nothing in the system to prevent the electorate from paying attention to party affiliations and other pertinent considerations. The

Electors for a number of contiguous units also act as the Union Council and thus deal with local problems. The voters can, therefore, assess the worth of the persons they elect and can re-elect or discard them on an evaluation of their performance.

16. Another important innovation, which is an integral part of the system of Basic Democracies, is the provision to hold projection meetings at all levels except at the Electoral College elections. Under the provision, the candidates are required to meet their Electors face-to-face and to explain their policies to them and to answer questions. These meetings are to be arranged by the Commission and are to be presided over by Judicial Officers. **Projection Meetings.**

17. Arranging the projection meetings for the Presidential election involved many difficulties as the electorate of 80,000 was spread all over the country. The Commission eventually decided to arrange four meetings in the East Wing and six meetings in the West Wing. These meetings were presided over by Members of the Commission in their capacity as Judges of the High Courts. The time available was divided equally between the four candidates—the two candidates nominated by political parties being permitted to address the morning and the afternoon sessions alternately.

18. Both in the Presidential and in the Assemblies' elections the attendance at all these projection meetings was very high and the questions asked displayed the intelligent interest which the Electors brought to their task. It is believed that these meetings influenced the results significantly, specially in the Presidential election.

19. The Constitution also provides for the creation of a permanent office of Chief Election Commissioner; to be filled, on a tenure basis, for three years at a time. Independence of action is ensured by providing that the term would not be extended except with the concurrence of the National Assembly; nor can a Chief Election Commissioner be removed from office except by the special procedure provided for the removal of a judge. The Chief Election Commissioner may (with the approval of the President) make Rules for appointment by him of the officers and servants to be employed in connection with elections and for their terms and conditions of service. **The Election Commission.**

20. It is further provided in the Constitution that for every Presidential election, a general election or a Referendum, an

Election Commission shall be constituted with the Chief Election Commissioner as Chairman and two High Court Judges (one from each High Court) as Members. It is their duty to conduct the election or referendum and to make such arrangements as are necessary to ensure that the election is conducted honestly, justly, fairly and in accordance with law. They are also to guard against corrupt practices. The Chief Election Commissioner is to act as the Commission when the Commission is not in being.

The 1962 Elections.

21. The Election Commission, for the purpose of the 1962 general elections, was constituted on 10th March, 1962 and continued till 30th June, 1962.

22. The *ad hoc* Electoral College for 1962 elections consisted of the members of Basic Democracies already elected on an adult franchise basis and such other persons as were chosen by the Chief Election Commissioner to represent areas where elections to Basic Democracies had not been held. (Article 229).

23. The Constitution was announced on the 1st March, 1962 and it was to come into force on the day on which the first meeting of the National Assembly was to be held. Mr. Akhtar Husain, H. Pk., who was the first Chief Election Commissioner under the Constitution, delimited the constituencies for the purposes of elections to the Assemblies under the transitory provisions of the Constitution. The elections in 1962 were held, soon after the promulgation of the Constitution, under the provisions of Articles 228 and 229. The laws required for the conduct of these elections under Article 229(8) were drafted by the Commissioner and the Commission and were promulgated as President's Orders Nos. 4 and 13 of 1962. Various difficulties which arose were pointed out to the Government and were removed by the promulgation of relevant President's Orders. The Commission framed the Rules and was empowered to modify them where necessary.

24. As an *ad hoc* Electoral College was available, it was asked to elect Members of the three Assemblies on the basis of the *ad hoc* delimitation of constituencies mentioned above. These elections were completed on 29th May, 1962.

Elections 1964-65 (Electoral College).

25. As the term of office of President was due to expire on the 22nd day of March, 1965, and the proceedings of the Presidential election under the Constitution were required to be commenced within 120 days immediately preceding the day on

which the term of the sitting President was due to expire, it was obligatory that the Electoral College of Pakistan should be constituted before the 22nd November, 1964. The 1964 elections were to be held under the ordinary procedure laid down in Part VII of the Constitution and not under the transitional arrangements referred to above. The ordinary procedure required that the elections should be held under laws passed by the National Assembly.

26. The first request for laws under Chapter 2, Part VII of the Constitution, was made by the Chief Election Commissioner to the Government in March, 1963. The legislature, however, promulgated these laws in April, 1964. These consisted of four laws :

(i) the Electoral College Act ;

(ii) the Presidential Election Act ;

(iii) the National and Provincial Assemblies (Elections) Act ; and

(iv) the Referendum Act.

This left very little time in which to conclude the numerous stages of the elections, starting from the preparation of electoral rolls on the basis of adult franchise to the declaration of results of all the elections. For all this work only a little over one year was available. Mr. Akhtar Husain, H. Pk., the then Chief Election Commissioner, had, however, foreseen this difficulty and had initiated preliminary action in anticipation of the passing of the laws.

27. He also realised that the appointment of the Chief Election Commissioner being for three years, his term of office would expire by the end of February, 1965—in the thick of the general elections—. He, therefore, asked to be relieved of his duties so that the change of Chief Election Commissioner should not take place in the middle of the elections and one person should be enabled to conduct the elections from beginning to end.

28. I was sworn in as the Chief Election Commissioner on the 9th April, 1964. The elections to the Electoral College from then onwards were conducted and the preliminaries in respect of the Presidential and Assemblies Elections arranged by me.

29. The first elections to Basic Democracies having been held in 1959, a general election for these bodies was due in 1964. As the Basic Democrats form the Electoral College under the provisions of the 1962 Constitution, the Chief Election Commissioner was required to hold the elections to the Electoral College

before the Commission could proceed to conduct the Presidential and Assembly elections.

30. The Electoral College Act of 1964 while placing the responsibility for the elections to the Electoral College upon the Chief Election Commissioner, empowered him to delegate his powers to the Provincial Election Authorities which were to be created under the Act.

31. The Provincial Election Authorities under the Electoral College Act were constituted on 28th April and 3rd May, 1964, for West Pakistan and East Pakistan, respectively.

32. The elections to the Electoral College were completed by the Provincial Election Authorities before the 21st November, 1964 when the Constitution of the Electoral College was notified by the Government. The electorate at these elections consisted of 4,79,18,500 voters. Leaving aside the uncontested elections which represented 74,67,488 registered voters, 1,69,117 persons contested the elections. Thirty one million four hundred seventeen thousand and two votes were cast at the contested elections. The percentage of polling at the contested elections was 77.67 which is indicative of the interest evinced by the nation in these elections. The candidates included persons from all walks of life, such as, lawyers, doctors, teachers, social workers, industrialists, traders etc. The elected persons were of a relatively high calibre. The percentage of literacy amongst them was 86.82 as against the national figure of 19.2.

33. The Chief Election Commissioner encountered serious difficulties in maintaining complete secrecy of ballot at the Electoral College elections. Due to the comparative illiteracy of the voters, the system of a single ballot paper (containing the names of all the candidates on which a cross should be placed against the name of the candidate for whom the voter desired to vote) could not be introduced. Separate boxes, with symbols of various candidates, were placed in a screened enclosure outside the view of the Presiding Officer and the polling agents and the voter was required to insert the ballot paper in the box of the candidate of his choice in complete secrecy. This, however, enabled the unscrupulous voter to take the ballot paper outside so that some other voter could bring it in later and insert it in one of the boxes. Recommendations are now being made to improve this system.

34. The Election Commission for the conduct of the 1964-65 Presidential and Assemblies' elections was constituted on 21st October, 1964.

35. Article 165 laid down that the election of the President was to be held within the period of 120 days immediately preceding the 22nd of March, 1965, and the result declared not later than 14 days before that date. The last date for declaration of the Presidential election result was, therefore, 6th March, 1965. The National Assembly having first met on the 8th of June, 1962, and the Provincial Assemblies on the 9th of June, 1962, the last dates for declaration of their election results were, under Article 168, the 23rd and 24th May, 1965. Working back from these dates, the Chief Election Commissioner and the Election Commission chalked out the programme for the various elections.

Presidential Election.

36. On the 22nd of November, 1965, the Electoral College of Pakistan was called upon to elect a President before the 7th March, 1965. Seven candidates were nominated, three of whom withdrew their candidature, leaving four candidates to contest the election.

37. The projection meetings, referred to in paragraphs 16-17, however, did not seek to provide a confrontation between the candidates themselves. The discretion not to address the electors, if exercised by all the candidates, would have absolved the Election Commission of the necessity of arranging the meetings, but, in the case of Presidential election these meetings had to be arranged as all the candidates in the Presidential election were eager to address the electorate with a view to explaining their programmes. These meetings were arranged by the Commission with the assistance of local administration. Convening these projection meetings involved many difficulties as the electorate of 80,000 was spread all over the country. The Commission eventually decided to arrange four meetings in the East Wing and six in the West Wing. These meetings were presided over by Members of the Commission in their capacity as Judges of the High Courts. The time available was divided equally between the four candidates—the two major candidates being permitted to address the morning and the afternoon sessions alternately. The attendance at these meetings was very high and the questions asked displayed the intelligent interest which the electors brought to their task. The experiment of holding meetings proved useful. Their utility was specially apparent in the case of the Presidential election where the role played by these meetings was vital.

38. The Presidential Poll was held on the 2nd January,

vote. The polling percentage thus was 99.63. The percentage of valid votes cast in favour of each candidate is given below :—

1. Field Marshal Muhammad Ayub Khan	..	63.31%
2. Mohtarama Fatima Jinnah	.. ..	36.36%
3. Mr. K. M. Kamal	.. .. ..	.23%
4. Mian Bashir Ahmed	.. .. ..	.08%

39. The public counting of the votes, as soon as the voting closed, ensured that the ballot papers were in no way interfered with. As a further safeguard authenticated copies of the result sheets were furnished to the candidates or their polling agents, if asked for. Elaborate arrangements were also made to convey the results immediately to the Election Commission which released regular bulletins showing the latest results, as received, to the Press and the Radio. These arrangements were a complete success and the results of the Presidential election were made known to the nation within six hours of the close of poll, *i.e.*, at 21.30 hours on the day of the election. The Chief Election Commissioner made the following statement in a radio-broadcast :

"(a) A few days ago I informed the Press that the Election Commission would announce the official and final result of the Presidential Election after the ballot papers had been received by the Commission and after decision of such objections as might be received regarding rejected ballot papers.

(b) The Commission, however, made arrangements for receiving these results as they have been declared at the polling stations.

(c) On the basis of the results tallied, Field Marshal Muhammad Ayub Khan has received an absolute majority of the votes cast. The Commission's official declaration will be made when the procedural formalities have been completed."

The announcement of the results at the earliest opportunity was very essential in order to ease the great tension which prevailed on the eve of Presidential Poll.

40. Some of the high-lights of this election were that :—

(a) there was not a single case where secrecy of ballot was violated ;

(b) not a single ballot paper was smuggled out of the polling station for an unauthorized insertion later on ;

(c) in no case was the identity of an elector challenged as every elector appeared at the polling station with his Identity Card ;

(d) at no polling station was an unauthorized or spurious ballot paper recovered from any ballot box ;

(e) nowhere, throughout the country, the ballot paper account prepared by the Presiding Officer was questioned ; and

(f) there was not a single instance where certified copies of the results were not issued forthwith at the polling stations, if asked for.

41. Although the Electoral College elections and the Presidential election were to be held in that order, the sequence of the elections to the three Assemblies was not laid down in the Constitution or the laws. It was felt that in the state of political parties, with their somewhat meagre and untested machinery, it would be best not to conduct the elections to the various Assemblies simultaneously but to complete the elections to the National Assembly first and to the Provincial Assemblies later. This arrangement would also lessen the strain on the administration. In coming to this decision, efficiency and facility of operation were given preference over economy. This also enabled the Commission to vary the details of procedure where necessary as a result of experience gained progressively.

42. Under Article 105 of the Constitution, a person cannot be a candidate for two seats, either in the same Assembly or in two Assemblies. The procedure adopted permitted a candidate defeated in one election to contest the following election. The Commission felt that this latitude was desirable in view of the dearth of talent in certain areas of the country.

43. Experience has justified the decision to hold separate elections, as too heavy a burden was not placed on the administrative machinery. The parties could also concentrate on one election at a time ; and the party organisations were not faced with a task beyond their incipient strength.

Delimitation of Constituencies.

44. Before the Assemblies' elections could take place, the constituencies had to be delimited. The law requires that in delimiting constituencies, regard should be had, as far as practicable, to distribution of population, administrative convenience and contiguity. The Chief Election Commissioner laid down

certain principles for interpreting these legal requirements. He felt that an area, apart from being undivided, should, as far as possible, be a block and not a strip with a tenuous contiguity; and that administrative convenience required that the boundaries of administrative units, such as Divisions, Districts, Sub-Divisions, Tehsils, Thanas and Union Councils etc., should be respected as far as possible. To achieve equality of population the theoretical entitlement of each district was worked out as follows:—

(a) National Assembly seats throughout Pakistan.	1 for 533 electoral units.
(b) Provincial Assembly seats in East Pakistan.	1 for 267 electoral units.
(c) Provincial Assembly seats in the former Punjab area of West Pakistan.	1 for 358 electoral units.
(d) Provincial Assembly seats in other areas of West Pakistan.	1 for 206 electoral units.

In allocating seats, an entitlement of .5 or above was considered as entitlement to a seat, while below .5, the fraction was ignored. In marginal cases adjustments were made. In East Pakistan, allocations were made on the basis of Provincial seat and Central constituencies were formed by combining two adjacent Provincial constituencies. In doing so, however, Divisional and District boundaries were respected, as far as possible.

45. Before the polls for the Assemblies elections were taken, elector-candidate meetings were held. The attendance at these meetings was fairly high and the questions asked of the candidates showed awareness on the part of the electors of the local and national problems.

46. The polls in respect of the National Assembly and Provincial Assemblies elections were taken on 21st March, 1965 and 16th May, 1965 respectively. 418 candidates contested the National Assembly elections and 1,023 for the Provincial Assembly seats. The percentage of voting at the National Assembly contested elections was 98.12 and at the Provincial Assembly elections 98.11. Arrangements were made for the announcement of the results of these elections through the Press and the Radio in the same manner as in the case of the Presidential election and with equal success.

47. Voting by secret ballot is the essence of a free and democratic election. Whatever the pressures and influences outside the polling booth, a voter can exercise his vote, as he desires, provided he can be certain that his ballot paper cannot be identified. The Commission, therefore, took the greatest care to maintain the secrecy of the ballot as required by the Constitution. The instructions issued in this connection are detailed in the body of the report and it is believed that, with regard to the Presidential and Assemblies elections, they are more comprehensive and stringent than provisions in this respect in any other country. I am happy to report that these instructions achieved the desired result and complete secrecy of the ballot was maintained in the above elections.

Suggestions for future elections.

48. The difficulties which were encountered, and the suggestions for overcoming them, are detailed in subsequent chapters of the report. Here, it is sufficient to say that the greatest drawback was the shortage of time felt at almost every stage. The preparation for the Electoral College elections involved the compiling of fresh rolls on the basis of adult franchise, the delimitation of 80,000 electoral units and the completion of comprehensive and detailed arrangements for the taking of polls in each unit. The satisfactory creation of the rolls itself requires about a year ; whereas the time available between the promulgation of the laws and the completion of the Electoral College was only six months. As a result, the Electoral College elections had to be rushed through and it is feared that satisfactory delimitation of units, and complete accuracy in the basic rolls, could not be ensured. The subsequent elections did not suffer so much from the lack of time. The Commission, however, would have been happier if more time had been available to them.

49. Elections often give rise to conflicting opinions. The Commission is apt to be misrepresented at times—sometimes intentionally. Its functions being of a delicate nature, it is neither in a position to reply to the criticism nor can it take part in controversies ; as this might jeopardise the conduct of fair elections. To avoid such situations, Election Commissions elsewhere are generally given legal protection in the discharge of their official functions. No such protection has been provided for the Commission either in the Constitution or in the Law. It is, therefore, important that the Commission, its Chairman and its Members should all be protected by the Law of contempt preferably through a constitutional provision similar to

that of Article 123 ; or through a specific provision in the Electoral Law. Such legal protection, though not generally invoked, acts as a deterrent against unnecessary criticism.

50. Most of the election work not involving policy decisions had to be done through officials and other persons over whom the Commission had no direct authority or control. However, cases of intransigence were fortunately few and far between.

51. A great deal of pressure was brought to bear upon the Commission by certain sections that Presiding and Returning Officers should be recruited from the Judiciary only. The Commission felt, however, that there was no reason to believe that executive officers would not be impartial ; and, anyhow, under the Constitution, it was only the executive officers who were obligated to help the Commission. The Election Commission, however, decided to utilize the services of as many officers of the Judiciary as possible and their help was secured through the courtesy of the High Courts. All the Civil Judges (1st Class), wherever available, were appointed as Presiding Officers. For instance, there were ten Civil Judges at Karachi and four in Lahore. All these officers were appointed to act as Presiding Officers at the Presidential Election.

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52. This introductory chapter is followed by (a) a list of suggestions and recommendations for the future, along with the reasons for these suggestions ; (b) brief summaries of the history of the conduct of the various elections ; (c) a summary of the statistics regarding the elections ; (d) reports giving the detailed history of the Presidential and the Assemblies elections ; and (e) Reports of the Election Authorities on Electoral College elections (reproduced in original) and the appendices.

53. The instructions, issued by the Commission from time to time, proved effective and contributed to the fairness of the elections. They have been reproduced in Vol. II of this report, as they may be useful as precedents in future elections.

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54. I would like to express my thanks to my colleagues, the Members of the Commission, from whom I received the fullest cooperation. The objectivity and devotion with which they discharged their duties, deserve the highest praise. In particular, I would like to mention the difficult task of presiding over the Presidential projection meetings which was assigned to them. Their conduct of these meetings was masterly and impartial and earned praise from all sections.

55. The Chief Election Commissioner and the Commission would also like to place on record their appreciation of the work done by the officers and staff of the Election Commission and Provincial Election Authorities who had to bear the main burden of the work in connection with the elections. Their unfailing devotion to duty has been invaluable.

56. The Chief Election Commissioner and the Commission, apart from issuing instructions aimed at ensuring fair elections, visited polling stations during the elections and were satisfied that their instructions and directions had succeeded in achieving the desired result. The unquestioning acceptance by the public of the result of the elections as a true verdict of the nation is an indication of the fact that the duties and responsibilities laid upon the Chief Election Commissioner and the Commission were discharged satisfactorily. The Chief Election Commissioner and the Commission are grateful to God that they were permitted to make this contribution to the strength and stability of Pakistan. Conclusion.

G. MUEENUDDIN,
HQA, SPK.,
Chief Election Commissioner.

The 1*st December*, 1966.

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The 1st December, 1965.

RECOMMENDATIONS

CHAPTER I

RECOMMENDATIONS

The Chief Election Commissioner and the Commission experienced certain difficulties in the discharge of the responsibilities laid upon them by the Constitution and the laws. In some cases they found that the existing provisions and the rules do not fully ensure the achievement of the objectives set out in the Constitution. The suggestions which follow are put forward to enable the Commission to discharge better the responsibilities laid upon it by the Constitution and the laws. The implementation of these suggestions would involve generally an amendment of the laws or of the rules, but in a few cases the issue of revised instructions by the Government might meet the needs of the case.

A. GENERAL SUGGESTIONS

Electors' List.

2. The Electors' lists in some of the West Pakistan districts were printed in the alphabetical order of names. Experience has shown that names in the serial order of electoral units quicken the pace of polling. These lists should, in future, for the sake of uniformity and for convenience of the polling personnel, be printed in the serial order of the electoral units while within a unit, the alphabetical order should be maintained.

Polling Station Sites and Personnel.

3. A list of places where polling stations are to be located should be prepared after giving opportunity to every one to file objections to a preliminary list. Once finalised, the lists must not be changed unless a polling station building subsequently comes under the possession, or influence, of a candidate at an election.

4. The lists of persons, proposed to be employed as Presiding and Polling Officers, should also be similarly published and objections invited. The lists should then be finalised and published; thereafter no change should be allowed to be made unless necessitated by death or other circumstances of an extraordinary nature. If any transfers are considered inevitably necessary, these should be made in consultation with the Commission.

Polling Hours.

5. At the last elections seven hours poll without a break, from 8.30 a.m. to 3.30 p.m., was prescribed. These hours proved to be unnecessarily long and the polling staff had to remain idle for most of the time as, in most cases, the polling was over during the first two or three hours. The hours can, therefore, be curtailed conveniently, at the discretion of the Commission.

by providing legal curbs, might give rise to large scale malpractices. It is, therefore, suggested that the law should be so amended as to render as invalid any ballot paper containing an unauthorised mark or writing on a ballot paper or any extraneous material attached to it, which in the opinion of the Returning Officer, the elector may have put with the objective of being identified.

Placing ballot box within the view of the Polling Agents.

12. Section 29 (4) of the National and Provincial Assemblies (Elections) Act, 1964 provides that the ballot box shall be so placed as to be within the sight of the Presiding Officer. The provision could be interpreted to mean that the box need not be kept within the view of polling agents, election agents or the contesting candidates present. The acceptance of this interpretation might have led to malpractices and would certainly have been misunderstood. The Election Commission, therefore, ordered that the ballot box should be kept within the view of the persons mentioned above. This position should be maintained through a clarification.

Marking of Ballot Paper.

13. The 'Prescribed' mark for marking the ballot paper is 'one cross mark in any form and no other mark' which has to be made with a copying pencil provided at the polling station. Different variations of the 'prescribed' cross mark, or the place on the ballot paper where the mark is put, help to identify the voter. It is suggested that the Elector should be asked to mark the ballot paper by using a rubber stamp within a space to be provided for the purpose. If the mark is other than the stamp mark, the ballot paper should be rejected automatically.

Code Mark.

14. The Presiding Officers are required to stamp the back of the ballot paper with the official mark and also to put his signature on it. The procedure, with the added responsibility of filling in certain entries on the counterfoil, becomes cumbersome, and, sometimes, either the signatures of the Presiding Officer or the official mark are inadvertently, or deliberately, left out. This has given rise to diverse decisions on the validity, or otherwise, of such ballot papers. If a ballot paper is declared invalid for an omission of the signatures, or of the official mark, by the Presiding Officer, the Elector is penalised for no fault of his. It is, therefore, suggested that the agents etc. present should have the right to examine the ballot paper and to point out the omission. The Presiding Officer should then be required to complete the formalities. Positive instructions should also be issued so that the Presiding Officers should take the greatest care to see that every ballot paper bears both the official mark and the signatures.

15. It might, however, be advisable to introduce the use of a franking machine, which could perforate the ballot paper publicly to indicate a code mark together with the date of the poll. Thus, the necessity of stamping and initialling the ballot paper could be done away with.

Incapacitated Elector.

16. Rule 13 of the Presidential Election Rules, 1964 allows a Presiding Officer, or the Elector's companion, to mark the ballot paper on behalf of an Elector who is totally blind or who is otherwise physically so incapacitated as to require help in marking a ballot paper. In order to ensure that the concession is not abused the Presiding Officer should keep a record of the votes marked by others for such incapacitated persons.

Jurisdiction of Civil Courts.

17. The law debars the Courts from questioning the legality of any action taken by or under the authority of the Commission, Commissioner, a Returning Officer or Presiding Officer or any decision given by any of them or by any other officer or authority appointed under the Act or the Rules. It has been found that some Civil Courts have seized jurisdiction at various stages of the elections despite existing provisions. It should be possible to prevent such action by the Courts which hampers election proceedings, sometimes at a critical stage. Specially, there should be no grant of interim stay in election matters. The High Courts may be requested to issue general instructions to the subordinate courts to observe strictly the provisions of law in this regard.

Delegation of powers.

18. The Commission at present has the power to delegate its function to the Commissioner or to a Member of the Commission. It will be an advantage if some of the powers can be delegated to officials of the Commission also.

Rule making power.

19. At the moment, the Central Government alone is empowered to make Rules under the various Acts. This, at times, leads to unnecessary delays. In order that delays may be avoided the Rule-making power should be exercisable by the Commission concurrently with the Government.

Contempt of the Commission or of Commissioner.

20. During the 1965 elections one of the Provincial Governments, passed orders banning criticism of the conduct of elections. This was done without consulting the Commission. Criticism of the Commission or the Commissioner during the elections affects the confidence in the elections and consequently the acceptance of the result of the elections. The issuing of any orders by the Government banning such criticism is likely to

be misunderstood. The Members of the Commission are protected by the law of contempt in their capacity as judges of the High Court. It would be appropriate if this protection was extended to the Commissioner and the Commission.

B. SUGGESTIONS FOR ELECTORAL COLLEGE ELECTIONS

21. It is considered that the Electoral College elections should also be conducted by the Election Commission. Article 153 (1) of the Constitution requires that— Election Commissi and Provin cial Electi Authority.

"For the purposes of

(a) each election for the office of President ;

(b) each general election of the members of an Assembly ; and

(c) each referendum required to be held under this Constitution,

an Election Commission shall be constituted in accordance with this Article."

22. It is suggested that election of the Electoral College be made an integral part of each of the elections mentioned in (a) and (b) and of the referendum mentioned in (c) of Article 153 of the Constitution. Even if it be not so, it is desirable that the Election Commission should conduct the Electoral College elections also.

23. If this view is accepted, there will then be no need for a Provincial Election Authority. Instead, each Provincial Government may nominate an advisory committee to assist the Election Commission.

24. If, however, a Provincial Election Authority has to be constituted it should not be necessary for the Commissioner to delegate his powers to that Authority only. He should be empowered to delegate his powers to others as well.

25. The delimitation of electoral units had to be completed in a great hurry just before the 1964 elections and was, therefore, far from perfect. The law as it stands does not provide for a re-delimitation or for carrying out of any corrections in the existing delimitation. Delimitatio of Elector Units.

26. The main difficulty is that the actual delimitation does not observe fully the basic principles laid down by the Commissioner. Besides, there will be shifts in population, as

time goes by, requiring a change of the boundaries of units. It is, therefore, necessary that the Commissioner should have the power to rectify mistakes, to re-delimit where he considers necessary and to review the orders of any delimitation officer at any time.

Electoral Rolls.

27. The main difficulty is that the actual delimitation does a person should not be enrolled in more than one unit. Many voters own property in several places and are ilkely to be registered in such places without their knowledge. Therefore, it is almost impossible to observe this prohibition. This section should, therefore, be so changed that the penal provisions are attracted only if a voter deliberately seeks to get himself registered in more than one place. The penalty for voting in more than one unit should also be made more stringent.

28. A permanent register of voters should be maintained for each unit. Names should be deleted in cases of deaths, and other names added where residents come of age for voting purposes. Rules should be framed requiring local officers and authorities to supply to the Commissioner the requisite information in these respects. Instead of the annual revision continuous amendment of rolls should be permitted. A final revision should, however, be completed well before the general elections.

Printing of Rolls.

29. Manuscript rolls caused a great deal of confusion by facilitating overwriting and interpolation. It is, therefore, essential that the electoral rolls be printed before each general election.

30. Accuracy of the rolls and proper delimitation of units in the Electoral College elections is a basic requirement if the subsequent elections are to be considered fair. The suggestions made in the preceding paragraphs are, therefore, of the greatest importance.

Polling Stations.

31. It should be permissible to hold the polls at one location for a multiple number of units provided the units so combined are contiguous to the unit where the poll is actually held. The setting up of a separate polling station for each unit is wasteful and it becomes difficult to provide suitable personnel for all the units.

Staggering of Polls.

32. Simultaneous polls throughout the country are clearly not feasible as that would be too big a strain on the administrative machinery. The polls had, therefore, to be staggered in the last election. There are, however, various methods of

staggering the polls *e.g.* polls can be held Local Council|Tehsil| Thana or District-wise or they can be held unit-wise so that the elections within each local council area are completed at a time. It was decided to stagger the polls in such a way as to complete the process in each Local Council area within two weeks. This had to be changed for East Pakistan, and in some areas of West Pakistan, due to administrative difficulties. The best method of staggering polls may now be decided on after taking into consideration all relevant factors.

Timing of elections. 33. The elections to the Electoral College should be held well in advance of the Presidential election. The philosophy underlying the system of Basic Democracies requires that the voters should select the Electors on grounds of personal merit rather than on the basis of party affiliations. During the 1964 elections, the names of the Presidential candidates had already been announced and the support of a particular Presidential candidate became more important than the merit of the individual seeking election to the Electoral College. If the elections to the Electoral College are held at least six months in advance of the Presidential election, they are likely to be held in a more relaxed atmosphere and individual merit to get the consideration that the system envisages.

Ballot Boxes. 34. With suitable staggering of polls, the steel boxes available with the Commission could be utilised at the polling stations. The present scheme, under which the candidate has to produce his own box well in advance of the poll, is unsatisfactory as the candidate runs the risk of being excluded from the poll if, for some reason, the box produced by him is rejected at the last minute.

Polling Agents. 35. If the candidate so desires he should be allowed to appoint two agents at each polling station in order to look after the male and female voters separately.

Ballotting System. 36. The system of each candidate having a separate box has not proved satisfactory and has led to allegations of malpractices. The most serious objection is that since the vote is cast in secret, it allows the voter to bring his ballot paper out of the polling station, to be handed over to some other voter, to be cast later. It is, therefore, desirable to introduce the system of one ballot paper and one box as in force in other elections. This would enable the voter to mark (or stamp) his ballot paper so that the folded ballot paper can be inserted into a common ballot box in the presence of all concerned. This system has not been adopted in the Electoral College

elections on the basis that the voter, being generally illiterate, is not capable of marking his ballot paper suitably. If, however, a rubber stamp is provided, the objection may be overcome. The symbol of the candidate will anyhow be printed in the ballot paper in addition to the name.

37. More satisfactory measures should be introduced for identifying the voters. Identity cards—with or without photographs—are the obvious answer. The immensity of the task is, however, a deterrent. Steps could, however, be taken early to provide the voters with suitable identity papers with photographs, as far as possible and the task could be completed by 1969. **Identity of Voters.**

38. Section 5 of the Order may be brought into line with section 14(2) of the Electoral College Act. At present, it is compulsory to hold a bye-election within 90 days of the occurrence of the vacancy; this should be liberalised by adding the words 'as far as practicable' to allow for unavoidable delays due to unforeseeable reasons. **Electoral College of Pakistan (Representation of Tirbal Areas) Order 1964.**

C. SUGGESTIONS FOR PRESIDENTIAL ELECTION

39. It has already been suggested that the Electoral College elections should be held well before the Presidential election so as to permit of a calm atmosphere when country-wide polls are being held. **Timing.**

40. A suitable gap between the College elections and the Presidential election is needed for another reason also. The Chief Election Commissioner is required, under section 80 of the Electoral College Act, 1964, to maintain a Register of Electors for each Province and to make such corrections in it as may, from time to time, become necessary. Considerable difficulty was experienced in compiling these Registers and in the preparation, from these registers, of separate Electors' lists for each polling station. For want of adequate time, and due to lack of printing facilities at Dacca, lists had to be got printed through private Presses at Karachi at a comparatively higher cost. The cost of transporting printed lists from Karachi to Dacca by air was also high. At least three to four weeks time should be allowed for the preparation of the Registers and the printing of the Electors' lists, so that accurate Registers are available and printing costs are kept reasonably low. This will be ensured automatically if the Electoral College is elected well ahead of the Presidential election.

Appeals against count.

41. Article 171 of the Constitution requires that provision shall be made by law for disputes arising in connection with the counting of votes at an election to be finally determined by the Commissioner or an Election Commission. There is no provision in the law for an appeal with regard to count in the Presidential election. It is essential that the results of the Presidential election, once announced, should not be challenged. There is, however, no reason why the rejection or acceptance of votes by Presiding Officers should not be subject to appeal before the Commission. The present law permits the Commission to 'consolidate' the results without any right of hearing the appeal. Specific provision should be made in the law to provide for appeal against acceptance or rejection of ballot papers.

Declaration of Results.

42. The announcement of the voting figures by the Chief Election Commissioner (Returning Officer), as a result of count by the Presiding Officers, came under criticism from certain quarters. This announcement was considered necessary in order to ease the state of intense tension which prevailed at the time. The Chief Election Commissioner should be specifically empowered to announce the number of votes, secured by each candidate as a result of preliminary count, as soon as possible after the poll, without officially declaring the name of the candidate who secures the majority of valid votes. The number of invalid votes should also be declared. This will give a true picture to the nation and permit them to draw their own conclusions before the formal declaration.

Order and discipline at meetings.

43. The candidate-elector meeting for the Presidential election should be held in a calm and serene atmosphere without in any way disturbing the solemnity of the occasion. Provision should, therefore, be made to authorise the Presiding Officer to extern unruly persons at these proceedings. It would also be desirable, if at the time of these meetings, the services of an officer of the rank of a D.I.G., Police along with an adequate contingent of police force were placed at the disposal of the Election Commission exclusively.

D. SUGGESTIONS FOR NATIONAL AND PROVINCIAL ASSEMBLIES ELECTIONS

Delimitation.

44. The law requires that, in delimiting constituencies, regard should be had, as far as practicable, to distribution of population, administrative convenience and contiguity. The Chief Election Commissioner in interpreting these requirements laid down that an area, apart from being undivided, should, as far as

possible, be a block and not a strip etc. He also felt that administrative convenience required that the boundaries of administrative units, such as Divisions, Districts, Sub-Divisions, Tehsils, Thanas and Union Councils, should be respected wherever possible. To achieve equality of population, he worked out the theoretical entitlement of each district as follows :—

(a) National Assembly seats throughout Pakistan.	1 for 533 electoral units.
(b) Provincial Assembly seats in East Pakistan.	1 for 267 electoral units.
(c) Provincial Assembly seats in the former Punjab area of West Pakistan.	1 for 358 electoral units.
(d) Provincial Assembly seats in other areas of West Pakistan.	1 for 206 electoral units.

As it was not, however, practical to give this exact number to each constituency, the allocations were made in accordance with the following principles :—

(a) the entitlement of each district for the National and Provincial Assemblies was worked out on the basis set out above ;

(b) in calculating this allotment, .5 or above was considered as entitlement to a seat, while below .5 the fraction was ignored ;

(c) in many cases where the fraction was near the margin of .5, that is to say, it was about .6 or .4, adjustments were made ; the excess units in such cases were combined with the units of an adjoining deficiency district ; and

(d) in the case of sparsely populated areas—as in Kalat Division—it was necessary to combine a number of districts to form one Constituency.

45. In East Pakistan, allocations were made on the basis of Provincial seats ; each district was allocated a whole number of Provincial seats on the basis of their entitlement, except the two districts of Kushtia and Jessore where parts of these two districts had to be combined to form one Provincial seat. The

National constituencies in East Pakistan were formed by combining two adjacent Provincial seats into one National constituency. In doing so, District and Divisional boundaries were respected, as far as possible.

46. It is suggested that the above procedures adopted by the Chief Election Commissioner to implement the legal requirements may be given legal sanction.

47. During the course of delimiting Constituencies, it was noticed that in some cases, the Union Council boundaries cut across Thana boundaries and Thana boundaries cut across Tehsil boundaries. With a view to facilitating future delimitation, it was suggested to the Provincial Government of West Pakistan to set up a Committee to review the administrative boundaries. This suggestion has been accepted by the Governor, who has, however, pointed out that in some cases there are good reasons why Thana boundaries do not conform to Tehsil boundaries.

48. It was also found that in many cases, due to urbanisation of areas contiguous to big cities like Dacca, Narayanganj and Chittagong, etc., some parts of out-lying Thanas had been included in the municipalities. Consequently, the Constituency formed in such areas cut across Thana boundaries. The desirability of re-adjusting Thana boundaries in such cases has been suggested to the Provincial Governments. No amendment of the law is required in this case.

Timing of the Eelections in East Pakistan.

49. In East Pakistan, the monsoon season sets in by the first week of May. Cyclones sometimes also affect normal life in the province during this period as happened during the 1962 and 1965 elections. It is felt that polls in future should, as far as possible, be completed by the first week of April to minimise the chances of hurricanes dislocating the programme.

Polling place in Tribal Constituencies.

50. Some constituencies in West Pakistan comprise of Tribal areas as well as settled areas. In such cases, the candidates from the settled areas are reluctant to go into Tribal areas and the balance of convenience requires that, as far as possible, the polling stations in such mixed constituencies should be in the settled area. The matter may, however, be left to the discretion of the Commission.

Double candidature.

51. Article 105 of the Constitution provides that a person shall not, at the same time, be a candidate for election to more than one seat in an Assembly or to a seat in one Assembly and to a seat in another Assembly. During the 1965 elections, a

candidate was nominated in two Constituencies. After his nomination had been accepted in one Constituency, he withdrew his candidature from the other. In another case, the Returning Officer himself, knowing that a person was a candidate in another Constituency in which his nomination had been accepted, rejected that person's nomination in his Constituency. The Constitution does not, however, prohibit the filing of nomination papers in more than one Constituency. The intention appears to be to prevent double candidature. In cases where a candidate is filing nomination papers in more than one Constituency he should be required to intimate this fact to the Returning Officers of all the Constituencies where his nomination papers are filed. Provision should then be made allowing a candidate to sponsor his candidature from more than one Constituency but preventing him from contesting the election from more than one Constituency.

Appeal against Count.

52. An appeal against count can, at present, be filed even by a successful candidate. This should be prohibited. The Commission should, however, have the power to review the proceedings of any count and to pass consequential orders including, if necessary, the ordering of a fresh poll or a fresh election.

Tribunals.

53. High powered Election Tribunals have been provided for as their decisions were intended to be final. The courts have, however, entertained suits at various stages of election proceedings and issued stay orders. This has led to a certain amount of confusion and considerable delay. The position needs clarification and, perhaps, further legislation.

Dismissal of Election Petitions.

54. The Chief Election Commissioner is empowered under section 60 of the National and Provincial Assemblies (Elections) Act, 1964 to dismiss an election petition if he finds that it has not been presented within the time limit prescribed therefor or if it is not accompanied by a receipt of deposit for security of costs. These powers are very limited and could well be enlarged to include powers of dismissal when—

(a) an election petition has not been presented in the prescribed manner ;

(b) a petitioner has failed to join as respondents in the petition all the other contesting candidates :

(c) a copy of the petition has not been served on each of the respondents :

(d) the petition is not set forth in such a manner as to contain a precise statement of the material facts on which the petitioner relies ;

(e) the petition lacks in specific mention of particulars of corrupt or illegal practices and the time and place of their commission ;

(f) the schedule or annex to the petition has not been signed by the petitioner and verified in the manner laid down in the Code of Civil Procedure, 1908 (Act V of 1908), for the verification of pleadings ; or

(g) the petitioner fails to claim specific redress or relief.

Election Expenses.

55. Personal expenses to the extent of Rs. 200 may be incurred by each contesting candidate. Some of the contesting candidates made the mistake of incurring personal expenses in excess of the prescribed limit while their election expenses were far below the prescribed limit of Rs. 10,000 in case of the Provincial Assembly seats or Rs. 15,000 in respect of National Assembly seats. It is suggested that the law may be amended in such a way that the excess in personal expenses should be accountable towards election expenses, and where the overall aggregate of election and personal expenses is not exceeded, no legal action need be taken against such of the candidates as have shown personal expenses in excess of the prescribed limit of Rs. 200.

Time of holding bye-elections.

56. Section 5 of the National and Provincial Assemblies (Elections) Act read with Article 170 of the Constitution makes it obligatory to hold a bye-election within 90 days of the occurrence of a vacancy. It is felt that the limit of 90 days might create difficulties at a time when, either due to natural calamity or as a result of court action, an election may have to be deferred beyond 90 days. A provision to the effect that a bye-election be held, "as far as practicable within 90 days of the occurrence of a vacancy" might have given the requisite discretion to the Chief Election Commissioner. During the present Emergency, when national unity had to be preserved at all cost, it was thought fit to amend this provision. A bye-election may now be held within 90 days from the day on which the proclamation of Emergency is revoked. The difficulty in case of natural calamity or other unforeseeable circumstances still remains and may be solved by amendment of the law.

Simultaneous Polls.

57. During the last election, it was decided to complete the National Assembly elections before holding the elections to the Provincial Assemblies. Some of the reasons which led to that decision were of a transitory nature ; others would continue to be relevant. It is obvious that simultaneous elections would lead to economy ; and, the cutting short of the duration

of elections, would be an advantage in itself, as the period of tension would decrease. On the other hand, the administrative arrangements might be more complicated for simultaneous elections. The question might, therefore, be left open to be decided by the Commission at the time of the election. Eventually, the usual practice of holding all the elections simultaneously may have to be considered.

58. The representation of the Tribal Areas has been provided for by a Presidential Order as sanctioned by the Constitution. Under this provision, it is permissible to delimit a Constituency so that it may consist of parts of Tribal areas along with parts of settled areas. There is some doubt, however, as to whether the Constitution does not require that Tribal Areas should have completely separate representation. The point could well be re-examined and clarified. **Tribal areas.**

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SUMMARIES OF REPORTS

CHAPTER II

SUMMARY OF REPORT ON ELECTORAL COLLEGE ELECTIONS

1. The Constitution provides for the creation of an Electoral College of Pakistan as a first step towards the election of the President and of Members of the National and Provincial Assemblies. The Electoral College, consisting of 80,000 members, called Electors, is elected on the basis of adult franchise; one member being elected from each of 40,000 electoral units in each Province. **Constitutional and legal Provisions.**

2. An *ad hoc* Electoral College was used for the 1962 election as required by the transitional provisions of the Constitution. The creation of the permanent College was, therefore, necessary before the 1964-65 Presidential and Assemblies' elections could be held. This set the 21st November, 1964 as the deadline for the creation of the College. The Electoral College Act was promulgated on 18th April, 1964 and the Rules thereunder were notified by Government on 3rd July, 1964.

3. It will be seen that the time at the disposal of the Chief Election Commissioner for completing the creation of the College was very short. The processes involved delimitation of 80,000 electoral units, creation of 'adult' rolls and conduct of election in each of the units—a programme which should normally have consumed more than one year; but which had to be gone through in less than seven months.

4. The Provincial Election Authorities in West and East Pakistan were appointed by the Chief Election Commissioner on the 28th April and 3rd May, 1964, respectively, as envisaged in section 3 of the Electoral College Act, 1964. Each was headed by a senior officer of the status of Joint Secretary to Central Government (Mr. S. Afzal Agha, C.S.P. and Mr. A. Rashid, C.S.P. in West and East Pakistan respectively) and had the Provincial Secretary, Basic Democracies and the Regional Election Commissioner of the Province concerned as members. As provided in section 3 (2) of the Electoral College Act, 1964, the powers and functions of the Chief Election Commissioner were delegated to the two Authorities subject to such general, and special, instructions as may be issued by the Chief Election Commissioner from time to time. The Divisional Commissioners and Deputy Commissioners exercised general supervision over the election work in their respective jurisdictions and ensured that instruction **Electoral Machinery.**

issued by the Authorities were carried out by the executive officers appointed by them as Delimitation, Registration and Returning Officers. Each Authority was assisted in its work by three Deputy Election Commissioners. They were posted at the Divisional headquarters of Khulna, Rajshahi and Chittagong in East Pakistan and Karachi, Lahore and Peshawar in West Pakistan. The Regional Election Commissioner, East Pakistan, looked after the election affairs of Dacca Division in addition to his own duties as a member.

Delimitation of Electoral Units.

5. Section 6 of the Act, dealing with delimitation of electoral units, requires that electoral units within an area be delimited having regard to the territorial unity, and so far as practicable, to distribution of population and administrative convenience. Accordingly, Tehsil|Thana-wise allocations of units were made within each District|Sub-Division on the basis of the 1961 census figures with such modifications as were necessitated by subsequent material alterations in the population due either to migration or to changes in the local administrative boundaries. In the Cantonment areas, allocation of electoral units was ordered to be made on the basis of the civil population.

6. The average population per unit in East Pakistan came to 1,275 whereas in West Pakistan it worked out at 1,072 on the basis of the 1961 census figures. Marginal adjustments were permitted. The following principles were laid down by the Chief Election Commissioner for delimiting the units :

(a) The area must be ' contiguous '.

(b) It should, as far as possible, be a compact block.

(c) Administrative boundaries such as District|Sub-Division, Tehsil|Thana, Local Councils in East Pakistan and Thana and Patwar Circles in West Pakistan should be respected.

(d) Homogeneity should be maintained as far as possible.

(e) Facility of communications for administrative convenience should be ensured.

(f) Equality of population be observed as far as practicable.

7. The preliminary lists were uniformly prepared with one serial number for each District|Sub-Division, naming each unit after the main village or Mohalla and contained appropriate description of the unit. These, along with a notice inviting

objections and suggestions, were published on the 30th June, 1964, in their own offices as well as in the offices of the Union Councils, by 857 Delimitation Officers (471 in East Pakistan and 386 in West Pakistan). A period of seven days was allowed for the receipt of objections and suggestions. A total number of 7,299 objections and suggestions were filed in East Pakistan and 10,331 in West Pakistan.

8. The Delimitation Officers heard the parties, conducted necessary enquiries wherever required, and sent concise reports to the Appellate Authorities appointed in both the provinces. The decisions of the Appellate Authorities were incorporated before the lists were finally published on the 30th July, 1964 in the same manner as was prescribed for the publication of preliminary lists. As a result of decisions on appeals, of the 17,630 objections and suggestions filed in both the wings, 2,910 were accepted in East Pakistan and 3,257 in West Pakistan.

Electoral Rolls.

9. Every person, who on the qualifying date, 1st May, 1964, was a citizen of Pakistan, was not of unsound mind, was not less than 21 years of age, and was resident in the electoral unit was entitled to be enrolled as a voter in the unit roll. A person owning immovable property, or working for gain in a unit was deemed to be resident in the unit. Refugees from Jammu and Kashmir State were not registered as voters unless they had been granted certificates of Pakistani citizenship.

10. Each unit roll was serially arranged and contained the name, father or husband's name, age and address of each voter. It was prepared in two sections, one for males and the other for females, and was compiled alphabetically in the language of each Province.

11. Five hundred sixty four Registration Officers in East Pakistan, and 641 in West Pakistan, were made responsible for the registration of voters. They appointed as many Assistant Registration Officers as they considered necessary to assist them. The rolls were prepared by 45,035 registration clerks by house to house visits. A cent-per-cent physical check was undertaken by Inspectors|Supervisors and a further 20% check by the Assistant Registration Officers|Registration Officers. An Officer, superior in rank to the Registration Officer, attested each page of the rolls.

12. A decision was taken not to print the rolls because of high cost of printing, lack of time and of printing resources in the country and the limited demand for copies of the rolls.

13. The draft rolls were published throughout the country on the 13th August, 1964, with notices inviting claims and objections which were to be filed up to the 25th August, 1964. A total number of 7,48,441 claims and 86,140 objections were filed in East Pakistan. The number of claims filed for inclusion of names in West Pakistan was 12,92,866, while objections numbered 4,49,025. Of these, 5,47,013 claims and 49,812 objections in East Pakistan, and 5,95,932 claims and 1,73,004 objections in West Pakistan, were accepted by the Registration Officers by the 15th September, 1964. Appeals were disposed of by the Revising Authorities by the 25th September, 1964.

14. The Registration Officers, after modifying the rolls in accordance with the decisions of the Revising Authorities, published the final rolls on the 30th September, 1964.

Election Programme.

15. Before finalising the programme of the elections, the Chief Election Commissioner undertook extensive tours throughout the country to meet the Divisional Commissioners and District Officers and to discuss with them in detail the arrangements for election work. The Notification under section 15 of the Electoral College Act, issued on 3rd October, 1964, called upon the enrolled voters to elect, from each electoral unit, before the 21st November, 1964, a person as a member of the Electoral College.

16. It was generally recognised that a one day poll throughout the country was an impossibility due to lack of adequate personnel. It was also felt that the administration might find it difficult to maintain law and order at such a large number of polling stations. It was, therefore, decided to stagger the polls. The polls were taken in West Pakistan to be followed by polls in East Pakistan. In East Pakistan, polls throughout a Union (or Town) were held in one day. In some of the West Pakistan districts also, polls in an entire Tehsil|Taluka were taken on the same day. This reduced the quantum of work, relating to issue of notifications for each individual electoral unit separately, and the results of one unit did not influence elections in other units of the same area. In other districts, it was found more convenient to hold polls in various units within a Union Council on different days. Thus one team dealt with a union council shifting from unit to unit each day. Each

Provincial Election Authority chalked out the programme and notified the dates for the various stages of elections, as indicated below :—

Programme	*West Pakistan*	*East Pakistan*
1. Notification under section 19 appointing days for different stages of election	7-10-1964	14-10-1964
2. Public notice by Returning Officers under section 20	8-10-1964	15-10-1964
3. Nominations	15-10-1964	22-10-1964
4. Scrutiny	17-10-1964 to 19-10-1964	23-10-1964 to 25-10-1964
5. Withdrawals	20-10-1964	26-10-1964
6. Polls	31-10-1964 to 9-11-1964	10-11-1964 to 19-11-1964
7. Declaration of results by Presiding Officers	31-10-1964 to 9-11-1964	10-11-1964 to 19-11-1964
8. Publication of results by Returning Officers	5-11-1964 to 14-11-1964	11-11-1964 to 21-11-1964

The programme as prescribed was followed in most cases. In a few cases, changes had to be made on the recommendations of District Officers due to administrative difficulties.

17. In accordance with the election programme, the Returning Officers in West Pakistan invited nominations so as to reach them on or before the 15th October, 1964. In East Pakistan, the nominations could be filed on or before the 22nd October, 1964. The bulk of nomination papers, in East and West Pakistan, were filed on the last date fixed for the purpose. One hundred fourteen thousand two hundred sixty two persons were nominated in East Pakistan and 1,05,363 in West Pakistan. No nominations were filed in 3 and 17 electoral units in East and West Pakistan, respectively. The qualifications for a candidate, as mentioned in Article 158(1) of the Constitution, and in the Electoral College Act, are :— **Nominations.**

(a) he must be a voter in the electoral unit for which election is sought;

(b) he must not be less than twenty five years of age; and

(c) he should not be subject to any disqualification for being, or being elected as, a member of the Electoral College.

The disqualifications have been specified in section 53 of the Electoral College Act. Only a registered voter of a unit could propose or second the nomination of a candidate from that unit. A security deposit of Rs. 50 had to accompany each nomination. It was clarified that teachers belonging to private educational institutions were free to contest elections, that a Government servant was not debarred from proposing or seconding a nomination, that illiterate registered voters could subscribe to the nominations as proposers or seconders by affixing their thumb impressions while the forms could be filled in by someone else, and that the serial number of the candidate on the electoral roll should be given in the form for convenience of reference.

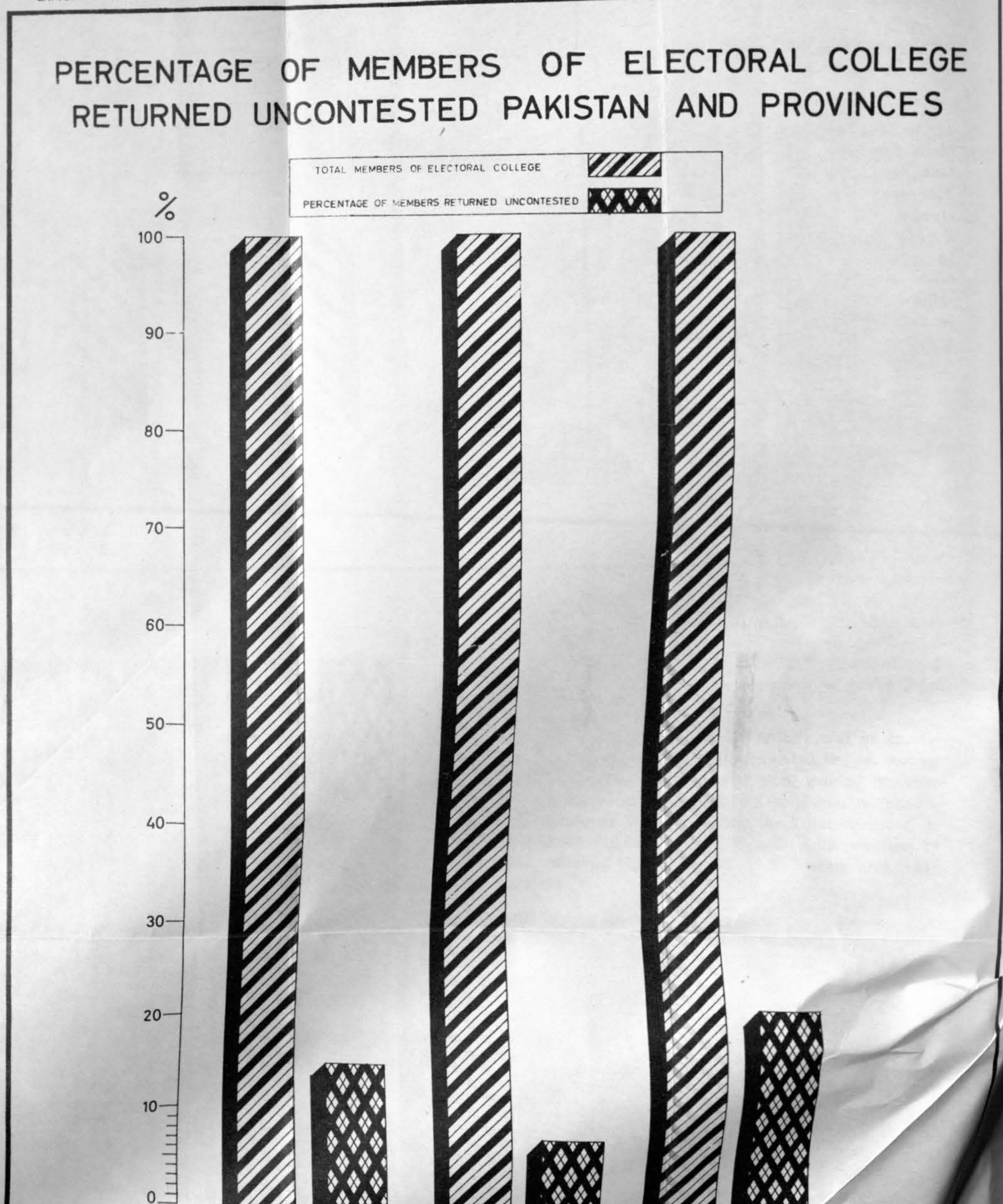
Scrutiny. 18. Scrutiny was held by the Returning Officers, in West Pakistan between 17th and 19th October, 1964 and, in East Pakistan between 23rd and 25th October, 1964. Two thousand five hundred forty four nominations were rejected by the Returning Officers in East Pakistan and 4,805 in West Pakistan. Out of 1,173 and 1,525 appeals filed against rejection of nominations, 741 and 938, respectively were accepted in East and West Pakistan. There were 1,245 and 4,714 uncontested returns respectively in East and West Pakistan, the number of validly nominated candidates being respectively 1,12,887 and 98,713 in East and West Pakistan. There was no provision for appeal against improper acceptance of a nomination. This led to a great deal of dis-satisfaction and an amendment is being suggested in this respect.

Withdrawals. 19. Section 25 of the Act provides for withdrawal of candidature, in writing, on or before the withdrawal date. A notice of withdrawal is irrevocable. In East Pakistan, a total number of 5,334 (4.73%) of the validly nominated candidates withdrew their candidature while in West Pakistan the total number of withdrawals was 18,375 (18.61%). The withdrawals resulted in 3,787 uncontested returns (1,312 from East Pakistan and 2,475 from West Pakistan).

Retirements. 20. Section 26 of the Electoral College Act permits the contesting candidates to retire from the contest seven days before the polling day. Notice has to be served in writing and is not

including rubber stamps, ink-pads, etc. Some of this material was authorised to be purchased locally.

DIAGRAM NO.1


PERCENTAGE OF MEMBERS OF ELECTORAL COLLEGE RETURNED UNCONTESTED PAKISTAN AND PROVINCES
TOTAL MEMBERS OF ELECTORAL COLLEGE
PERCENTAGE OF MEMBERS RETURNED UNCONTESTED
%
100
90
80
70
60
50
40
30
20
10
0
PAKISTAN
EAST PAKISTAN
WEST PAKISTAN

open to cancellation. One thousand nine hundred forty seven contesting candidates from East Pakistan retired from the contest while the number of those who retired in West Pakistan is 5,216. As a result of retirements, 587 candidates were returned unopposed from East Pakistan and 1,319 from West Pakistan. (*See* diagram I).

21. A sum of Rs. 57,13,100 was received as deposit in respect of nominations in East Pakistan and Rs. 52,68,150 in West Pakistan. These deposits are refundable except in cases where a candidate retires from contest or gets less than 1/8th of the total votes cast at an election. A sum of Rs. 7,85,800 has accordingly been forfeited to the Central Government in East Pakistan and Rs. 8,55,000 in West Pakistan. **Deposits and forfeitures.**

22. As provided in section 36, each contesting candidate has to bring his own ballot box of such design, and made of such material, as may be prescribed by the Chief Election Commissioner. For rural areas, wooden boxes of given specification were prescribed. These boxes were produced for inspection and approval before the Returning Officers by the contesting candidates. The candidates were required to produce the approved ballot box before the Presiding Officer an hour before the commencement of the poll. For urban areas, it was decided to use the Commission's steel ballot boxes. Every candidate was provided with two steel ballot boxes at a flat rate of Rs. 7. In case of loss of a ballot box a penalty of Rs. 11 was imposed in addition to the rental prescribed. A sum of Rs. 1,30,004 was realised as rent for the Commission's ballot boxes in the two provinces. **Ballot Boxes.**

23. Section 35 of the Act provides that every voter shall cast his vote by means of a ballot paper which shall be in such form as may be specified by the Commissioner. Twenty nine million ballot papers were printed in Dacca, and 230,00,000 in Lahore, and distributed amongst the Deputy Commissioners/Sub-Divisional Officers who issued the same to the Returning Officers according to actual requirements *plus* a liberal reserve. The Returning Officers, in their turn, distributed the ballot papers to their Presiding Officers against acknowledgements. **Ballot Papers.**

24. Apart from the supply of ballot papers and the Commission's steel boxes, various forms, labels and envelopes required during the poll had to be printed at the Central Government Presses, Lahore and Dacca and distributed to the Returning Officers. Other materials consisted of stationery articles including rubber stamps, ink-pads, etc. Some of this material was authorised to be purchased locally. **Other Election Material.**

Training of Personnel.

25. An important feature of this election was the training of officials engaged in election work. The bulk of this personnel was selected from amongst Tehsil|Thana Officers and school teachers. A manual for the conduct of these elections was compiled ; but it was considered essential to supplement the written instructions by a course of training so as to make the election personnel clearly understand the specific duties which each person was required to perform during the poll. A training scheme was formulated for this purpose. The Deputy Commissioners|Sub-Divisional Officers arranged one day training for all Returning Officers who were also supplied with copies of the manual, the Electoral College Act and the Rules. A Trainers' Guide, and the Diagram of Polling Stations, were also distributed to the Returning Officers while the Presiding Officers were supplied, in advance, with copies of the manual, the Electoral College Act and the Rules as also of the handbook for Presiding and Polling Officers. The District| Sub-Divisional Officers ensured that Returning Officers and the Presiding and Polling Officers studied the law and the Rules on elections thoroughly before they came for training. The Returning Officers then arranged two day training courses for all the Presiding and Polling Officers in their respective areas. The programme was divided into two parts, theoretical and practical, assigning one day for each. In the theoretical classes the importance of secrecy of voting, need for strict impartiality, prohibition of canvassing near the polling station, maintenance of discipline at the polling station, safe-custody of ballot papers, care to prevent tampering with the ballot boxes, punctuality in the commencing and closing of polls and precision in the procurement of material required for the conduct of the poll, were emphasised. A question and answer period was also introduced to test the knowledge of the trainees. The practical part of the training consisted of establishment of model polling stations where rehearsals for the conduct of the poll were arranged, with the Presiding and Polling Officers participating.

The Poll.

26. The responsibility for the conduct of polls fell on the Presiding and Polling Officers who were carefully selected by the Deputy Commissioners|Sub-Divisional Officers. A polling party generally consisted of one Presiding Officer and two to three Polling Officers. Maintenance of law and order within the precincts of the polling station was the responsibility of the Presiding Officer. Nine thousand six hundred fifty three Presiding Officers and 19,306 Polling Officers conducted the polls in East Pakistan while the number of Presiding and Polling Officers in West Pakistan was 5,132 and 10,515, respectively.

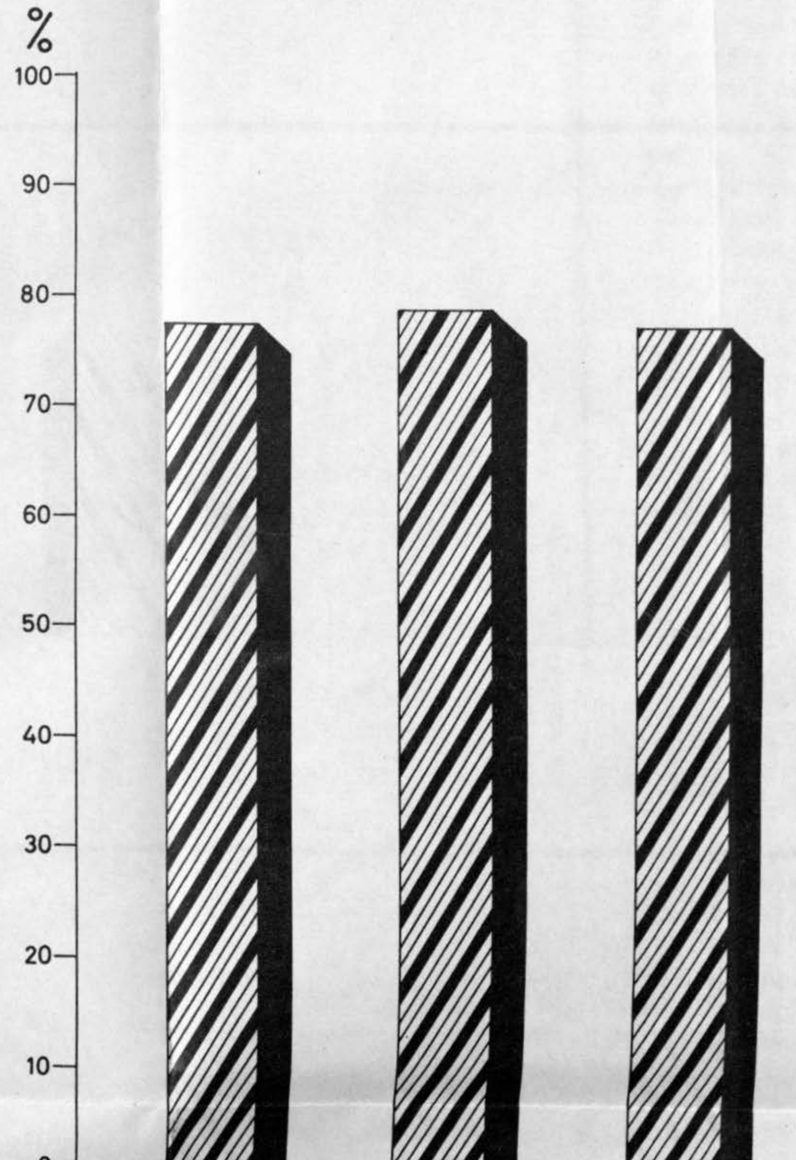
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relating to the polls

DIAGRAM NO. 2

ELECTORAL COLLEGE ELECTIONS, PAKISTAN 1964

PERCENTAGE OF VOTES CAST TO THE TOTAL REGISTERED VOTERS IN THE CONTESTED ELECTIONS, BY PROVINCE



27. Polling schemes were prepared alongwith the selection of polling personnel. These were drawn up on the basis that polls within a local council area would be staggered over a number of days. The schemes had, however, to be revised in East Pakistan in view of the later decision to hold, and complete, the polls throughout a local council area, on a single day. The change also involved the provision of a polling station for each electoral unit while according to the earlier decision the same site could be utilised for different electoral units if elections to them were held on different dates. Polling stations had thus to be improvised, where no suitable building was available.

28. In the selection of sites for polling stations, care was taken to see that voters were not required to travel a distance of more than two miles and that the building was not under the control or influence of a candidate. Complaints regarding location of polling stations were looked into. A total number of 57,770 polling stations, 40,001 in East Pakistan and 17,769 in West Pakistan, was established. Polling stations, which conformed to the prescribed lay-out throughout the country, had mostly one booth for combined polling, though separate entrances and exits were provided for males and females.

29. Law and order, during the polls, was maintained with the help of the police and Ansars. The police force in East Pakistan had to be reinforced by 45,545 Ansars. At least one party, consisting of three policemen or Ansars, was stationed at each polling station, besides parties on patrol duties and reserves at the police stations.

30. The hours of poll were fixed by the Returning Officers from 8.00 a.m. to 3.00 p.m. on all week days. Polling usually commenced and closed in time. In 33 cases elections failed ; polls in 153 electoral units were adjourned in East Pakistan and in 269 cases in West Pakistan due to rowdyism and interruption beyond the control of Presiding Officers.

31. In contested elections in East Pakistan 79.01 per cent of the total votes registered were cast. The percentage for West Pakistan was 75.80. (*See* diagram II).

Counting and Publication of Results.

32. Immediately after the close of the polls the Presiding Officers opened the ballot boxes of each contesting candidate in alphabetical order of the names of the candidates, took out and counted the ballot papers, excluding the invalid ones, and declared elected the candidate who secured the highest number of votes. In case of equality of votes the result was determined by drawing lots. The documents relating to the polls

were then sent, duly sealed, to the Returning Officers, by the Presiding Officers, along with the statements prepared by them.

33. It was a colossal task to collect, compare, print and publish the results of contested as well as uncontested elections. In East Pakistan, the Gazette notifications publishing the names of successful candidates covered 2,292 folio size papers while in West Pakistan the notification ran into about 10,000 pages. The Provincial Government presses in East and West Pakistan worked round the clock to accomplish this task in time. The Provincial Election Authority prepared the Register of members of the Electoral College for each Province from these Gazette Notifications. The oath, enjoined by the Constitution for the members of the Electoral College, was administered to them and identity cards issued by the District Officers.

Elections in Tribal Areas.

34. Article 173A of the Constitution having exempted the tribal areas from the application of Constitutional and legal provisions relating to elections as applicable to the settled districts, elections in these areas were held under the Electoral College of Pakistan (Representation of Tribal Areas) Order, 1964 promulgated by the President on 29th July, 1964. The Presidential Order authorised the Jirgas of 'Tribal Units' to choose 3,275 persons as members of the Electoral College in the "customary manner" (these 3,275 are included in the 80,000 prescribed for the country). The names of the members of the Electoral College from Tribal Areas were also notified in the Gazette on 20th November, 1964.

Election Petitions.

35. No election can be called in question except by an election petition. Any candidate can make an election petition in order to challenge the election at which he was a candidate. With the conclusion of the elections, the Provincial Election Authorities appointed Tribunals both in East and West Pakistan. The Divisional Commissioners, Deputy Commissioners and Additional Deputy Commissioners, were appointed as Tribunals. 34 Tribunals were appointed in East Pakistan and 70 in West Pakistan.

36. In all, 2,313 election petitions were filed with the Tribunals in East Pakistan and 3,769 with the Tribunals of the West wing. Of these, 1,860 and 3,106 petitions have since been disposed of in East Pakistan and West Pakistan, respectively. Of the 3,106 petitions disposed of in West Pakistan, 2,633 petitions were dismissed, in 384 cases elections were declared wholly void and in 89 cases the petitioners were declared duly elected. In East Pakistan 1,625 petitions were dismissed, in 218 cases the elections have been declared wholly void

and in 17 cases the petitioners have been declared duly elected; thus giving a total of 4,966 petitions disposed of by the end of May. 1966.

37. In West Pakistan, Tribunals were originally appointed by the Provincial Election Authority in such a way as to confer concurrent jurisdiction on the Tribunals in a Division. As the law required that each appointment of a Tribunal should be with reference to specific areas under its jurisdiction, the notifications were later amended. The law was silent on the point whether election petitions could be filed in cases of uncontested returns as a result of rejections of certain nominations at the time of scrutiny. The Chief Election Commissioner, in exercise of the powers conferred on him under section 87 of the Act, permitted the filing of petitions after the publication of results under section 29(2) of the Act and the period of limitation prescribed was the same as for petitions under rule 35(1) of the Rules. The law does not provide for the transfer of petitions from one Tribunal to another. The Chief Election Commissioner, in exercise of the powers under section 87 of the Act, authorised the Provincial Election Authorities to permit transfer of petitions from one Tribunal to another, if such transfer was justified.

38. The disposal of election petitions is rather slow, because the officials acting as Tribunals are otherwise busy with their normal duties. Only whole-time Tribunals, with powers to hold circuit courts, can accelerate the pace of disposal but this will be rather expensive.

39. A bye-election to fill a vacancy in the Electoral College has to be held, as far as practicable, within 90 days of the occurrence of the vacancy. The following vacancies occurred in East Pakistan and West Pakistan up to 31st May, 1966 for the reasons stated below :— **Bye-elections.**

Province	Failure of election during general elections	Death	Resignation	Disqualification	Election declared void by Tribunals	Total
East Pakistan ...	16	246	37	4	218	521
West Pakistan ...	17	149	27	4	384	581
Total ...	33	395	64	8	602	1,102

Of the total number of 521 vacancies in East Pakistan and 581 vacancies in West Pakistan, 480 and 538 bye-elections

5. An 'Elector' is a person who is a member of the Electoral College of Pakistan constituted under the Electoral College Act, 1964. According to this definition, any person, elected to the Electoral College at any time before the Presidential poll, was entitled to vote at the Presidential election. The list had, therefore, to be kept and maintained up-to-date. The Presiding Officers were asked to ensure that such Electors, whose names could not be brought on to the Electors' lists in time, were allowed to exercise their right of vote on production of certificates from the Registration Officers of the units from which they were returned or from the Regional Election Commissioner of the Province. Instructions were issued to the Deputy Commissioners in West Pakistan, and Sub-Divisional Officers in East Pakistan, to supply certified copies of the lists, or parts thereof, on payment of prescribed fees, if so requested.

Returning and Assistant Returning Officers and Presiding Officers.

6. The Presidential Election Act designated the Chief Election Commissioner as Returning Officer for the Presidential election. He, in turn, appointed three Assistant Returning Officers. They were Secretary, Election Commission, Regional Election Commissioner, Lahore and Regional Election Commissioner, Dacca. The Secretary, Election Commission, as Assistant Returning Officer, was delegated powers regarding nomination, scrutiny and withdrawals and the other two Assistant Returning Officers were delegated necessary powers for the conduct of elections, including powers for establishment of polling stations and appointment of Presiding and Polling Officers. A Presiding Officer, and two to three Polling Officers to assist him, were appointed for each polling station. Presiding and Polling Officers were drawn from among the judicial and executive officers of the Provincial Governments.

Programme.

7. The Presidential election was required to be completed by the first week of March, 1965 allowing a 14 days' time between the election of the President and the expiry of the term of the office of the sitting President as required under Article 165 of the Constitution. The Commission, however, decided to conduct the poll before the 1st of Ramzan which fell on 5th January, 1965 ; this decision was arrived at in order to avoid holding of projection meetings during Ramzan which would have caused inconvenience to the Electors and to all others concerned. If the meetings were held before Ramzan, and the poll taken after Ramzan, the usefulness of the meetings would, to a great extent, have been lost. Moreover, there was real need for the Presidential poll to be held as early as possible in order to cut short the mounting political tension in the country.

8. The notification, calling upon the Electors to elect a President, was, therefore, issued on 22nd November, 1964 and the poll was taken on 2nd January, 1965. The time enjoined by law was allowed for all the intermediary stages of the election.

Nominations and Scrutiny.

9. Nomination papers, on behalf of seven candidates, were filed with the Assistant Returning Officer on 26th November, 1964 and scrutiny was held on the subsequent day. The counsel for the Combined Opposition Parties' candidate objected to the nomination of the Muslim League candidate on the ground that, as Field Marshal, he held an office of profit in the service of Pakistan. It was contended, on the other side, that the law of Pakistan, and the relevant notifications, copies of which were produced, made it quite clear that this was not an office of profit. The Assistant Returning Officer, after hearing both the parties, over-ruled the objection. The objections, against the nominations of the other five candidates, also, did not stand so that all the candidates were declared validly nominated.

Withdrawals.

10. Three of the seven validly nominated candidates, withdrew their candidatures before the last date fixed for withdrawals leaving only four candidates in the field, namely, Field Marshal Mohammad Ayub Khan, Mr. K. M. Kamal, Mian Bashir Ahmed and Mohtarama Fatima Jinnah. This obviated the necessity for a reference to a joint-sitting of the Members of the National and Provincial Assemblies under Article 167 of the Constitution which requires that, in case, the number of candidates for election to the office of President, disregarding the candidature of the person holding office as President, exceeds three, the Speaker of the National Assembly shall, on a reference from the Commissioner, forthwith convene a joint sitting of the Members of the three Assemblies (or, if the National Assembly stands dissolved, of the Provincial Assemblies only) for selection by a secret ballot, of three of the candidates for election.

Projection Meetings.

11. The projection meetings (6 in West Pakistan and 4 in East Pakistan) were held at Divisional Headquarters in accordance with the provisions of Article 173 of the Constitution and Chapter III of the Presidential Election Act. The meetings were presided over by Mr. Justice M. R. Khan in East Pakistan and by Mr. Justice Sardar Mohammad Iqbal in West Pakistan in their capacity as Judges of the High Courts. As each meeting was to be attended by several thousand Electors, it was found that a further increase in numbers would make these meetings difficult to manage. The entry of the public to these

meetings was, therefore, prohibited by an amending Ordinance which allowed only the members of the Electoral College, accredited representatives of the Press and officials entrusted with election work to attend the meetings. These meetings provided an excellent opportunity to the candidates of explaining their aims and objects and, presumably, played a significant role in influencing the Electors.

12. Questions put to each candidate were drawn by lot so as to afford equal opportunity to as many Electors as possible to get replies to their questions within the limited time allocated equally to all the candidates. Nearly 76.67 per cent of the Electors attended these meetings in the two wings despite bitter cold at some of the venues of the meetings in West Pakistan. The questions put to the candidates by the Electors showed their awareness of problems of local, national and international importance.

13. A sum of Rs. 60,000 was allocated to each wing for meeting the contingent expenditure incurred in connection with arrangements for the meetings.

Supply of Materials.

14. Steel ballot boxes, of specified size and design, having mechanically operated self-locking arrangements, were supplied at all the polling stations well in advance of the date of poll.

Secrecy of the ballot.

15. Every possible care was taken to maintain the secrecy of the ballot for which the following steps were taken :—

(a) The empty ballot box was shown to the agents of the candidates, was sealed in their presence and placed in full view of the Presiding Officer and the agents. As and when the first box was full, it was closed and kept aside in full view and another box used similarly.

(b) Screened off compartments were provided for marking the ballot paper in secrecy.

(c) Ballot papers containing the names of candidates in alphabetical order, and the symbol allotted to each, were printed in four colours ; each ballot paper also had a security mark. Care was taken so that the ballot papers of the same colour were not supplied for use at two adjacent polling stations. Rubber stamps, bearing confidential code numbers, were supplied by the Commission for use at the polling

stations as "official mark". No one, excepting one officer of the Commission in each Province, knew what code number was allotted or which colour ballot papers were supplied to a particular polling station.

(d) The Presiding Officer of each polling station received a sealed packet, containing the ballot papers and the "official mark" for use at the polling station, in advance of the poll but the packet was opened by him just before the commencement of the poll and in the presence of the candidates' polling agents.

(e) Before a ballot paper was issued to an Elector, it was initialled and sealed at the back in the presence of the candidates' agents after the identity of the Elector was established. The Elector then retired to the screened off compartment and marked the ballot paper with a pencil provided for the purpose (ballot papers marked with any other pencil or pen were to be rejected). He folded the ballot paper so that the mark he had made was not visible, returned to the room where the ballot box was placed in full view of the persons present and, after showing the seal and initials at the back of the ballot paper, if so asked (to ensure that it was the same paper as was issued to him), inserted it in the box.

16. The Presiding Officers were made responsible for the maintenance of law and order at the polling stations. The Presiding Officers had instructions not to allow any unauthorised person to enter the polling stations. **The poll.**

17. Four hundred nineteen polling stations (217 in West Pakistan and 202 in East Pakistan) were established throughout the country. It was ensured that no polling station was located at a place which was in the possession, or under the influence, of any of the contesting candidates. Generally, a Tehsil/Taluka headquarter in West Pakistan and a Thana headquarter in East Pakistan was selected for the setting up of a polling station.

18. The Returning Officers, and other executive Government officers, were asked to give full facilities to the candidates and their election and polling agents to enable them to carry out their duties as such agents. In some cases, the appointments of polling agents were modified by the election agents or by the candidates themselves.

19. Instructions were issued to all Presiding Officers to ensure that the polling agents of all the candidates were seated in such a way as to be able to see the various stages of the poll as well as the counting of the votes. The polling agents were also authorised to sign or affix their seals on the packets containing the ballot papers at the close of the poll.

20. Electors were required to produce their identity cards at their polling stations as a *prima facie* proof of their membership of the Electoral College. The Presiding Officers satisfied themselves about the Electors' identity by other means also in cases where their identity was challenged. They had instructions to hold a summary enquiry in case an identity card was lost or could not be made available to the Elector by the district authorities due to unavoidable reasons such as lack of time. Arrangements for the casting of votes of Electors under detention were also made in cooperation with the Provincial Governments.

Results.

21. Arrangements were made for the communication of results to the Secretariat of the Commission over 'clear' telephone lines and by subsequent telegraphic confirmations. The results thus received were passed on to Radio Pakistan and the Press in the form of half-hourly bulletins. By 7.30 p.m. on the polling day the results received indicated that Field Marshal Mohammad Ayub Khan had secured an absolute majority of the votes cast. This position would not be altered even if all the rejected votes were held to be in favour of any of the other candidates. The other candidates, however, failed to concede the election as is done in other countries. The Chief Election Commissioner had, therefore, no option but to declare the result informally. It was made clear that the formal declaration would be made after the legal formalities had been observed. The Commission Secretariat prepared a consolidated statement of the results of the count on the basis of statements furnished by the Presiding Officers from all over the country. The Commission met on the 7th January, 1965, to consolidate the results received. In view of the overwhelming majority of votes secured by the successful candidate and since the election agents of the candidates present accepted the results of the count, as consolidated by the Commission Secretariat on the basis of statements furnished by the Presiding Officers, the Commission did not think it necessary to have a detailed final count. The official results were notified accordingly in the Gazette and the President's Secretariat was also informed as required by the Constitution.

22. Of the total of 80,000 votes (forty thousand from each Province), 78,890 valid votes were cast at this Presidential election. Of these, 49,951 votes were polled in favour of Field Marshal Mohammad Ayub Khan (63.31%) and 28,691 in favour of Mohtarama Fatima Jinnah (36.36%). Mr. K. M. Kamal and Mian Bashir Ahmed polled 183 and 65 votes respectively.

23. The expenditure incurred on the Presidential election was approximately Rs. 19,79,000.

CHAPTER IV

SUMMARY OF REPORT ON NATIONAL AND PROVINCIAL ASSEMBLIES ELECTIONS

1. The draft law of elections to the Assemblies was sent to the Ministry of Law in June, 1962. The Ministry of Law was in general agreement with the proposed scheme of legislation. A bill was introduced in the Legislature and was passed as the National and Provincial Assemblies (Elections) Act, 1964. It received the assent of the President on the 19th August, 1964. Rules under this Act were framed by the Central Government on the basis of a draft suggested by the Commission.

Delimitation. 2. The 40,000 electoral units, in each Province, were to be regrouped into 75 Central Constituencies and also into 150 Provincial Constituencies. The Constituencies thus delimited in each province were further to be grouped into 3 zones for the purpose of election of women to the National Assembly and into 5 zones for the election of women to the Provincial Assembly.

3. Each Constituency was to be delimited, under the Constitution, as an undivided area. The law also required that regard should be had, as far as practicable, to distribution of population and to administrative convenience. On the basis of these essentials, the Chief Election Commissioner took care to see that contiguity, approximate equality of the number of electoral units, compactness, homogeneity, facility of communications and administrative convenience were given due consideration at the time of delimitation. For the purpose of securing administrative convenience, an attempt was made, as far as possible, not to cut across Tehsil|Thana boundaries. For the delimitation of Constituencies covering Tribal areas, tribal affinities and geography also played an important part. These considerations were laid down as principles of delimitation by the Chief Election Commissioner in a press release reproduced at Appendix 'A'.

4. Before delimiting the constituencies, the entitlement of various districts to Central and Provincial seats was worked out. On an average a group of 533 electoral units was entitled to a National Assembly seat and 267 to a Provincial Assembly seat. In West Pakistan, however, the latter number was temporarily altered by the provisions of Article 239 of the Constitution. In the territory of the former Punjab, a group of 358

electoral units as against 206 in the rest of West Pakistan was entitled to a provincial seat. The district-wise quota of seats, in the National and Provincial Assemblies, was worked out on this basis.

5. While working out the District and Divisional entitlements, a fraction of .5 or above was considered as entitlement to one seat and a fraction below that was ignored. Where fractions were near the margin of .5, adjustments were made by combining adjacent deficient and surplus districts. On the other hand, in sparsely populated areas, like the Kalat Division, a number of districts had to be combined to form one Constituency.

6. In the case of East Pakistan, 267 units were entitled to a Provincial Constituency and two such adjacent Constituencies were combined to form a Central Constituency ; district quotas were worked out accordingly.

7. As a preliminary step towards the delimitation of Constituencies, District and Divisional quotas were announced in accordance with the above principles and suggestions were invited.

8. After consideration of the suggestions received, the preliminary proposals in respect of West Pakistan were published on 8th January, 1965 and those in respect of East Pakistan on the 10th of January, 1965. A total of 762 objections were received and were disposed of by the Chief Election Commissioner and the Members of the Commission after hearings at different places.

9. The final delimitation of Central Constituencies for East and West Pakistan and that of Provincial Constituencies for East Pakistan was published on the 7th February, 1965. The Provincial Constituencies for West Pakistan were finally delimited on the 2nd March, 1965 except that the delimitation for Tharparkar district (West Pakistan) was notified on the 30th March, 1965, after a second hearing given by the Chief Election Commissioner. The final delimitation made changes in 18 Central Constituencies and 44 Provincial Constituencies in West Pakistan and in 28 Central and 45 Provincial Constituencies in East Pakistan.

10. Preliminary suggestions for the delimitation of zones were published on the 9th April, 1965 and objections invited. One suggestion was received from West Pakistan and 4 from

East Pakistan but none of them was found valid so that the preliminary list of zones was confirmed as final on the 8th May, 1965.

Programme. 11. The Commission decided not to hold the National and Provincial Assemblies elections simultaneously but to hold the National Assembly elections first. Many factors contributed to this decision but the main considerations were :

(a) simultaneous elections would have placed an undue strain on the incipient party organisations ;

(b) Administrative machinery would have found it difficult to cope with the work involved in simultaneous elections ; and

(c) staggered elections enabled the persons defeated in the National Assembly election to contest the subsequent Provincial Assembly election.

The first notification calling upon the Central Constituencies to elect their representatives was issued on 8th February, 1965 and the publication of results was fixed for 25th March, 1965. The proceedings for the Provincial Assembly elections started with the issue of Notification on 2nd April, 1965.

12. Severe cyclones hit East Pakistan on the eve of the Provincial Assembly elections. Inspite of this, the published schedules had to be followed because the Constitution required that the results of the election should be published 15 days before the expiry of the term of the old Assembly, *i.e.* they had to be published by the latest on the 24th of May, 1965.

Electors' Lists. 13. Immediately after the delimitation of constituencies electors' lists were prepared constituency-wise. These lists were published as soon as the notification calling upon the Constituencies to elect their representatives were issued. The lists were kept open for inspection and were kept up-to-date so as to ensure that persons elected from electoral units, as a result of bye-elections, up to the dates of Assembly elections, were also allowed to cast their votes.

14. These Constituency-wise lists were sub-divided according to polling stations and two copies of each such list were supplied to the concerned Presiding Officer. Copies of Electors' lists, or of extracts therefrom, were made available to those who asked for them on payment of prescribed fees.

Nominations 15. The 16th February, 1965 was fixed as the nomination day for the National Assembly elections and the 10th April, 1965 as the nomination day for the Provincial Assembly elections.

The hours between 9.00 A.M. and 4.00 P.M. were specified for the receipt of nominations.

16. A total of 2,542 nomination papers were filed by 669 candidates for the Central Constituencies, 2,929 nomination papers by 800 candidates for the West Pakistan Provincial Assembly seats and 2,860 nomination papers by 919 candidates for the East Pakistan Provincial Assembly seats.

Scrutiny.

17. These nomination papers were scrutinised by the Returning Officers, who were required not to reject any nomination papers due to remediable defects. Appeals against rejection of nominations were heard by the Commission. Out of a total number of 28 appeals, 22 were accepted as it was found that the nomination papers had been rejected on grounds which were not substantial and for such omissions as could be rectified forthwith. There was one uncontested return in the case of a Central Constituency and 2 uncontested returns in respect of Provincial Constituencies due to rejection of nominations in West Pakistan.

Withdrawals and retirements.

18. The last date for the withdrawals was 26th February, 1965 for the National Assembly elections and 19th April, 1965 for the Provincial Assemblies' elections. One hundred forty six and 64 candidates withdrew their candidatures from the Central Constituencies in West and East Pakistan respectively and 527 from the Provincial Assembly Constituencies (311 from West Pakistan and 216 from East Pakistan).

19. Thirty one candidates retired within the prescribed time limit—namely a week before the poll—leaving 400 contestants in the field in respect of Central Constituencies (163 from West Pakistan and 237 from East Pakistan). The number of retirements in case of Provincial Assemblies was 106 in West Pakistan and 28 in East Pakistan leaving 310 and 664 contestants in West Pakistan and East Pakistan respectively.

Uncontested returns.

20. The total number of uncontested returns in case of Central Constituencies was 16 in West Pakistan and 2 in East Pakistan. The number of unopposed returns in respect of Provincial Assemblies was 47 in West Pakistan and 2 in East Pakistan.

Symbols.

21. As requested by the two political parties (the Pakistan Muslim League and the Combined Opposition Parties) the Commission decided that the symbols 'Rose' and 'Lantern' should be allocated to the candidates of the Pakistan Muslim League and the Combined Opposition Parties only and to none else. In

East Pakistan, some of the components of the Combined Opposition Parties desired that 'Umbrella' instead of 'Lantern' should be allocated to candidates sponsored by them. This request was accepted. Candidates other than party candidates, were allocated symbols according to the preferences indicated by them out of the 32 symbols which were prescribed.

Meetings. 22. The Commission decided, generally, to hold two projection meetings in each Central Constituency and one in each Provincial Constituency. The venue of a meeting was required to be so fixed as (a) to be convenient to the maximum number of Electors, (b) not to be to the advantage of any particular candidate and (c) to be, preferably, at Tehsil or Thana headquarters.

23. For Constituencies spread over two or more Districts, the District Officers were asked to fix the date of meetings by consulting each other; and to stagger the programme so as to enable the candidates to reach the venue of the second meeting in time after attending the first. The meetings were presided over by officers of the Judiciary and were attended by most of the Electors. Though great enthusiasm was shown by the audience at these meetings there was no breach of the peace. The questions were intelligently framed and reflected the keenness of the electorate to judge the views of the candidates on national as well as local problems. A sum of Rs. 52,500 was spent on these meetings.

Deposits and forfeitures. 24. A sum of Rs. 500 is to be deposited by each candidate for election to a seat in the Provincial Assembly and Rs. 1,000 for election to a seat in the National Assembly. This deposit is refundable to a candidate who withdraws from the contest on or before the last date fixed for withdrawals. The deposit is liable to forfeiture if the candidate secures less than 1/8th of the total votes cast. The total amount of deposits was Rs. 6,69,000 and Rs. 8,59,500 for the National and Provincial Assemblies respectively and the forfeitures amounted to Rs. 1,29,000 and Rs. 2,44,000, respectively.

The poll. 25. The law requires the appointment of a Returning Officer for each Constituency, and a Presiding Officer, and as many Polling Officers as necessary, at each polling station. In West Pakistan the highest officers of the district, namely the Deputy Commissioners or Additional Deputy Commissioners or Additional District Magistrates, were appointed as Returning Officers for Central Constituencies. Junior Officers, like Sub-Divisional

Magistrates and Revenue Assistants, were appointed if officers of senior rank were not available. For Constituencies comprising more than one District, the Commissioner of the Division or the Additional Commissioner was appointed as Returning Officer. In cases where boundaries of a Constituency cut across a Divisional boundary, the Member, Board of Revenue was appointed as Returning Officer. There being need for more Returning Officers in respect of Provincial Constituencies than for the Central Constituencies, appointments were made from amongst Sub-Divisional Officers, Assistant Commissioners, City Magistrates and Resident Magistrates as well as officers of higher rank mentioned above. In the Tribal Areas, Political Agents and Assistant Political Agents were selected for these duties. In East Pakistan, generally, the Deputy Commissioners, Additional Deputy Commissioners and Sub-Divisional Officers acted as Returning Officers for Central Constituencies. In case of Provincial Constituencies, mostly Sub-Divisional Officers acted as Returning Officers. Services of Deputy Magistrates were utilised where Sub-Divisional Officers were not available. In Constituencies comprising areas of two or more Districts| Sub-divisons, Assistant Returning Officers were also appointed.

26. In West Pakistan, normally, Magistrates or Gazetted officers were appointed as Presiding Officers ; they were assisted by Polling Officers from amongst Naib Tehsildars or other senior Class III officials. In East Pakistan, Presiding Officers were mostly appointed from amongst Deputy Magistrates, Subordinate Judges, Assistant Commissioners, Munsiffs and 1st Class Magistrates. Officers at Sub-Divisional level belonging to different Departments were entrusted with the duties of Polling Officers.

27. Instructions regarding maintenance of law and order and conduct of polls were issued by the Commission to all the Returning and Presiding Officers. The instructions are reproduced at Appendix ' B '.

28. Continuous polling for seven hours, *i.e.*, between 8.30 A.M. and 3.30 P.M., was decided upon by the Commission. Admission to the polling stations was restricted. Electors were required to produce their identity cards before the Presiding Officers as a *prima facie* proof of their membership of the Electoral College. The Presiding Officers were, however, instructed to satisfy themselves by other means about the identity of an Elector if he failed to produce his identity card. In case of a challenge, record of the proceedings, and of the decision taken thereon, was required to be maintained.

Governors of the two Provinces and the Central and the Provincial Ministers. It was observed that some of the Ministers canvassed for their party candidates during their official tours. This tended to involve Government officials in election activity. On a request from the Chief Election Commissioner, the President was pleased to direct that the Ministers should not canvass for their party candidates while on official duty. The Ministers were also informed that, during their election tours, they should not be accompanied by the District officials except those whose presence was required for security reasons. These instructions were aimed at preventing the use of undue official influence in the elections.

40. According to the legal provisions, the 75 members returned to the National Assembly from each of the two Provinces, were to elect one woman member from each of the three zones of their Province. There being only one validly nominated woman candidate from each of the six zones of the National Assembly, they were all declared elected unopposed. Similarly, there being only one validly nominated candidate for each of the five zones in the Provincial Assembly of West Pakistan, there were no contests for these seats.

41. In East Pakistan, there was only one unopposed return from zone 1, *i.e.*, PE-151 and election of women members from the remaining four zones was contested.

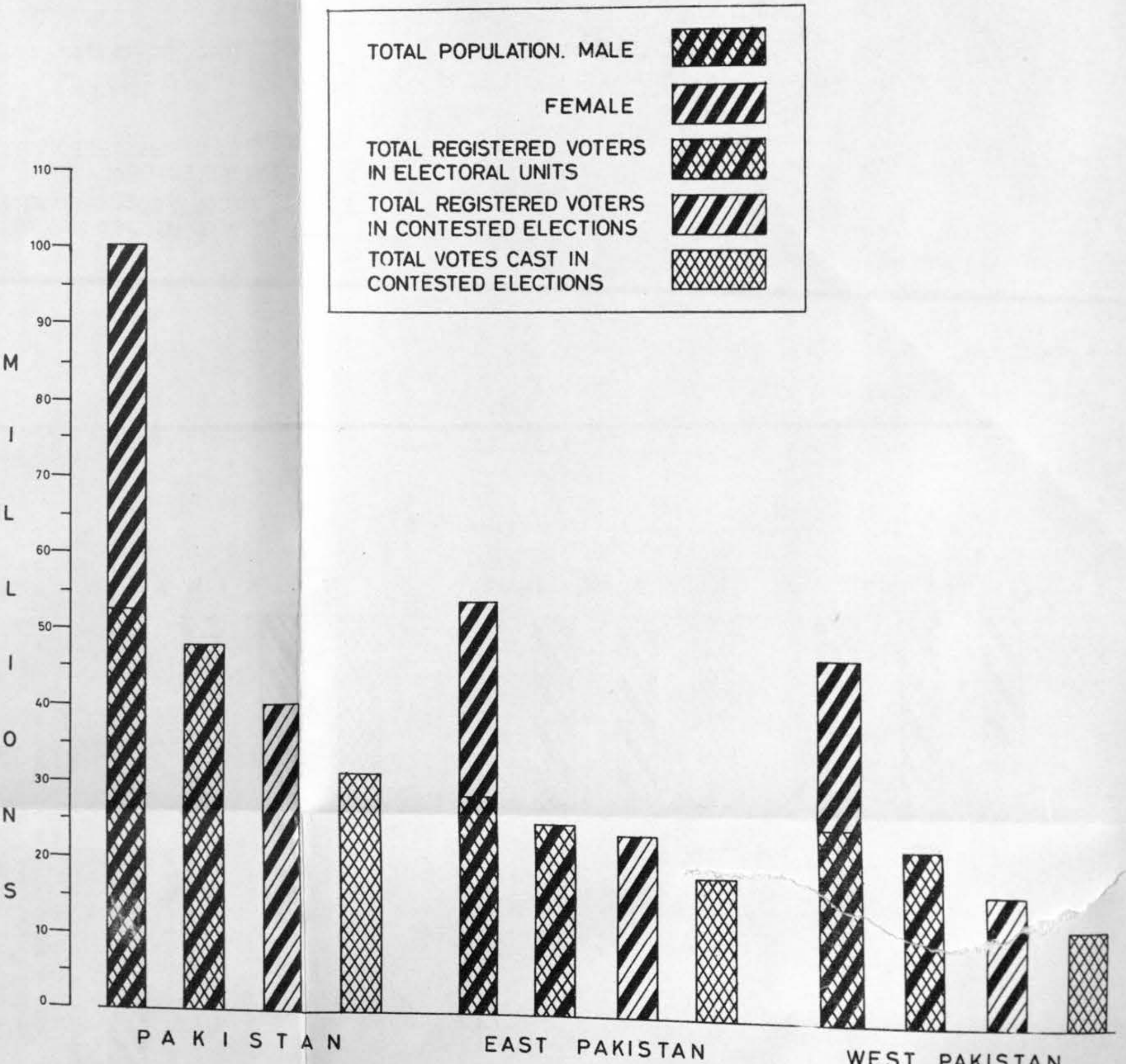
42. The Regional Election Commissioner, Dacca acted as Returning Officer for these elections. The poll was taken on the 8th June, 1965 and the result notified on the same day.

Publicity. **43.** The objectives of publicity were to secure public co-operation with, and confidence in, the election machinery and to inculcate in the masses a sense of responsibility about the exercise of their right of vote. It was also the aim to explain the laws, rules and procedures at various stages of elections, to brief the officials about their duties and responsibilities and to acquaint the electorate and the people in general with the programmes of the contesting candidates through projection meetings. The Chief Election Commissioner and the Members of the Commission addressed Press Conferences at different places to achieve these objectives. All the publicity media available in the country, namely, the Press, the Radio Films, Booklets, hand-bills, posters and cinema slides were utilised to acquaint the people with election procedure at different stages of the election. Gatherings at Community centres, fairs and festivals were also made use of for the purpose.

SUMMARY OF STATISTICS

DIAGRAM NO. 3

NUMERICAL POPULATION, VOTERS REGISTERED IN ALL THE ELECTORAL UNITS, VOTERS REGISTERED AND VOTES CAST IN THE CONTESTED ELECTIONS



CHAPTER V

SUMMARY OF STATISTICS

A. Electoral College Elections

	Population (1961 Census)	Total No. of voters registered	Total No. of voters registered in contested elections	No. of votes cast in contested elections	Percentage of votes cast in contested elections
1. Population and voters for Electoral College					
(*a*) East Pakistan.	5,08,40,235	2,55,45,783	2,35,37,883	1,85,96,695	79·01%
(*b*) West Pakistan.	4,28,80,378	2,23,72,717	1,69,13,129	1,28,20,307	75·80%
Total ...	9,37,20,613	4,79,18,500	4,04,51,012	3,14,17,002	77·67%

	East Pakistan	*West Pakistan*
2. Delimitation of Electoral Units		
(*a*) Number of Delimitation Officers	471	386
(*b*) Number of objections and suggestions to delimitation of electoral units	7,299	10,331
(*c*) Number of objections and suggestions accepted.	2,910	3,257
3. Registration of Voters		
(*a*) Number of Registration Officers	564	641
(*b*) Number of Registration Clerks/enumerators etc.	13,577	31,458
(*c*) Number of claims and objections to electoral rolls	8,34,581	17,41,891
(*d*) Number of claims and objections accepted ...	5,96,825	7,68,936
4. Candidates for Election to Electoral College		
(*a*) Nomination papers filed	1,29,120	1,35,134
(*b*) Persons nominated	1,14,262	1,05,363
(*c*) Validly nominated candidates	1,12,887	98,713
(*d*) Withdrawals	5,334	18,375
(*e*) Retirement	1,947	5,216
(*f*) Uncontested Return	3,144	8,508
(*g*) Contesting candidates	1,05,606	75,158
5. Polling		
(*a*) Polling Stations	40,001	17,769
(*b*) Returning Officers	480	567
(*c*) Presiding Officers	9,653	5,132
(*d*) Polling Officers	19,306	10,515

B. Presidential Election

	Total No. of electors	Total No. of votes cast	No. of valid votes	No. of invalid votes	Percentage of votes cast
East Pakistan ...	40,000	39,824	39,550	274	99·56%
West Pakistan ...	40,000	39,876	39,340	536	99·69%
Total ...	80,000	79,700	78,890	810	99·63%

No. of candidates	7	
Validly nominated candidates	7	
Withdrawals	3	
No. of nomination papers filed	95	
Returning Officer	1	
Asstt. Returning Officers	3	
No. of Presiding Officers	419	(East Pakistan 202 West Pakistan 217)
No. of Polling Officers	982	(East Pakistan 404 West Pakistan 578)
No. of Polling Stations	419	(East Pakistan 202 West Pakistan 217)

Final declaration of Result on 8th January, 1965.

Total amount of deposits Rs. 35,000

Total amount of forfeitures Rs. 10,000

Total votes polled by each candidate and percentage

	East Pakistan	*West Pakistan*	*Total*
1. Field Marshal Mohammad Ayub Khan	21,012 (53·12%)	28,939 (73·56%)	49,951 (63·34%)
2. Mr. K. M. Kamal ...	93 (0·23%)	90 (0·23%)	183 (0·23%)
3. Mian Bashir Ahmad ...	11 (0·02%)	54 (0·14%)	65 (0·08%)
4. Mohtarama Fatima Jinnah	18,434 (46·60%)	10,257 (26·07%)	28,691 (36·36%)

C. NATIONAL ASSEMBLY ELECTIONS

	Total No. of electors	No. of electors in contested elections	No. of votes cast	Percentage of votes cast
West Pakistan	40,000	30,973	30,357	98·01%
East Pakistan	40,000	38,376	37,690	98·20%

	West Pakistan	East Pakistan
1. No. of Polling Stations	168	227
2. No. of persons validly nominated	353	306
3. No. of contesting candidates	163	237
4. No. of persons returned unopposed ...	16	2
5. Amount of security deposits	Rs. 3,59,000	Rs. 3,10,000
6. Amount of forfeiture due to retirement and for having polled less than 1/8th of votes cast	Rs. 70,000	Rs. 59,000

D. PROVINCIAL ASSEMBLIES ELECTIONS

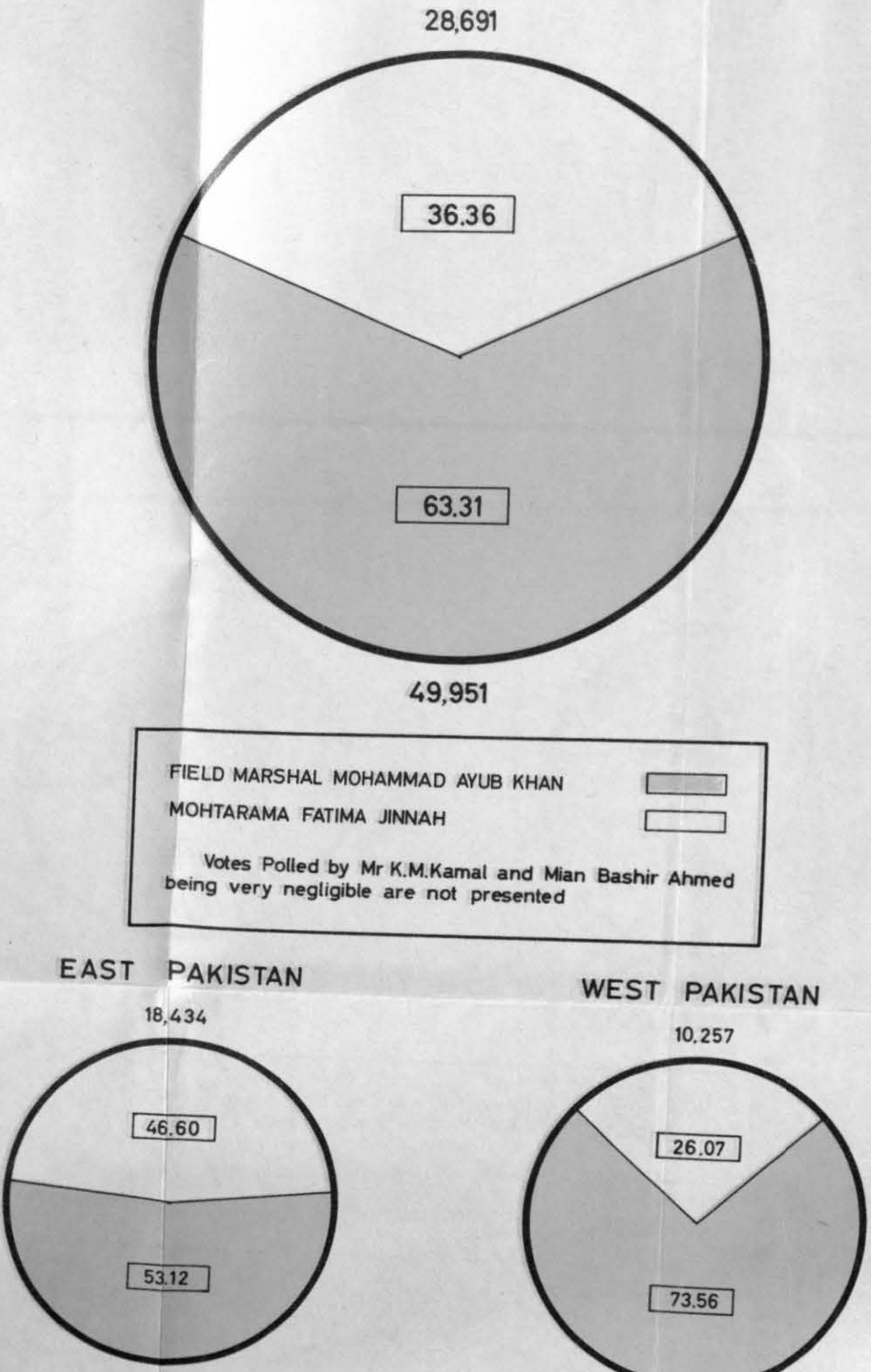
	Total No. of electors	No. of electors in contested elections	No. of votes cast	Percentage of votes cast
West Pakistan	40,000	26,724	26,116	97·72%
East Pakistan	40,000	39,442	38,817	98·42%

	West Pakistan	East Pakistan
1. No. of Polling Stations	164	282
2. No. of persons validly nominated	774	910
3. No. of contesting candidates	310	664
4. No. of persons returned unopposed ...	47	2
5. Amount of security deposits	Rs. 4,00,000	Rs. 4,59,500
6. Amount of forfeiture due to retirement and for having polled less than 1/8th of votes cast	Rs. 1,00,500	Rs. 1,43,500

PRESIDENTIAL ELECTION

PRESIDENTIAL ELECTION - PAKISTAN - 1965

NUMBER AND PERCENTAGE OF VALID VOTES POLLED BY CANDIDATES - BY PROVINCE



CHAPTER VI

LEGAL FRAMEWORK

Election to the office of the President, as required by Article 164, shall, subject to the Constitution, be conducted and decided in such manner as may be provided by law. The Constitution, while indicating the two broad principles that the election to the office of President shall be decided—

(i) by secret ballot (Article 172) ; and

(ii) by the votes of the members of the Electoral College ;

left the details to be embodied in a law.

2. The Election Commission gave the draft of an enactment for the above purpose to the Law Ministry on 11th June, 1962. The Presidential Election Act was finally passed on 1st September, 1964. The main features of the law as finally adopted and enacted by the Legislature are at Appendix 'C'.

3. After the promulgation of the law, a few amendments were made in the Presidential Election Act at the instance of the Commission. The important amendments are discussed in Appendix 'D'.

4. In addition to the above-mentioned amendments, made at the instance of the Commission, some further amendments were made by Government. They are given in Appendix 'E'.

5. The Act provides that, for carrying out its purposes, the Central Government may, in consultation with the Commission, make Rules which may include the procedure for the conduct of joint sittings of the Assemblies and for allowances payable to the Electors for attending projection meetings. **Rules.**

6. The draft Rules suggested by the Commission did not propose a procedure for joint sittings as the Commission considered it more appropriate that this procedure should be suggested by the National Assembly Secretariat. The draft Rules, as proposed by the Commission, were agreed to by the Central Government with a few minor changes. The Rules were finally notified by the Ministry of Law in the official Gazette on the 17th November, 1964. Their salient features are mentioned in Appendix 'F'.

7. The provisions as laid down in the Presidential Election Act, 1964 applied also to the Tribal Areas except for the following modifications: Clause (c) of sub-section (2) of section 6 **Tribal Areas.**

of the Act provides that a person qualified to be elected as a member of the National Assembly would be eligible to contest the Presidential election. This provision was substituted, for application to Tribal Areas, by two new clauses which were to the effect that a person, in order to be a candidate for the office of President, should not be of unsound mind and should obtain, from the Political Officer concerned, a certificate of his residence in the Tribal Area. A further modification provided that the Returning Officer should not enquire into correctness or validity of any such certificate as mentioned above.

CHAPTER VII

ELECTORS' LISTS

Electoral College elections completed and Register compiled.

The Chief Election Commissioner is required, by section 80 of the Electoral College Act, 1964, to maintain a Register for each Province, in such manner as he may deem fit, containing the names and addresses of all members of the Electoral College from the Province ; and, from time to time, to make such corrections in the Register as may be necessary. This Register was compiled by the Provincial Election Authorities under the orders of the Chief Election Commissioner. The entries in this Register were based on the Gazette Notifications issued by the Returning Officers of the Electoral College elections.

2. Considerable difficulty was faced in the compiling of these Registers in East Pakistan because elections were completed only by the 20th of November, 1964. Although polls were completed earlier in West Pakistan, some difficulty was also felt there as adjourned polls and bye elections had to be arranged. These were only completed by the 20th November, 1964. Sufficient time could not, therefore, be allowed between the completion of the Electoral College elections and the issue of Notification under section 51 of the Electoral College Act, 1964, declaring the Electoral College of Pakistan to have been duly constituted. The Chief Election Commissioner, however, succeeded in preparing the Register of 40,000 members of the Electoral College in each Province in time and with accuracy.

Notification regarding constitution of Electoral College.

3. On completion of the Registers, the requisite Notification of the Central Government declaring the Electoral College to have been duly constituted was issued on the 21st November, 1964 and the Notification, by the Election Commission, calling upon the members of the Electoral College to elect a President, was issued on the 22nd November, 1964.

Electors' lists printed.

4. It was decided that for the Presidential election, as well as for elections to the National Assembly and the Provincial Assemblies, printed Electors' lists should be used. A minimum of 250 copies of each District|Sub-Division list were printed, tehsil-wise in West Pakistan and thana-wise in East Pakistan. As these printed lists were to be utilised for the Presidential as well as for the Assemblies' elections, the number of copies printed was not found to be excessive.

Arrangements for printing.

5. A form was prescribed for the Electors' list. In West Pakistan, the printing was arranged through the District Officers, but in East Pakistan the lists had to be printed centrally by

CHAPTER VIII

MACHINERY FOR ELECTIONS

Constitution of the Commission.

Under Article 153 of the Constitution, it is the duty of the Commission constituted in relation to an election to conduct the election and to make such arrangements as are necessary to ensure that the election is conducted honestly, justly, fairly and in accordance with the law, and that corrupt practices are guarded against. Under Article 163, it is the duty of all executive authorities to assist the Commissioner and the Election Commission in the discharge of his or its functions.

2. Article 153 (2) of the Constitution provides that an Election Commission shall consist of—

(a) the Commissioner, who shall be Chairman of the Commission ; and

(b) a Judge of the High Court of the Province of East Pakistan and a Judge of the High Court of the Province of West Pakistan, each of whom shall be appointed by the President after consultation with the Chief Justice of the High Court concerned and with the Commissioner.

By a Notification No. S. R. O. 100 (R)|64, dated the 21st October, 1964, the President appointed an Election Commission with Mr. G. Mueenuddin, the Chief Election Commissioner as Chairman and Mr. Justice Mujibur Rahman Khan of the East Pakistan High Court and Mr. Justice Sardar Mohammad Iqbal of the West Pakistan High Court as Members. The Chief Election Commissioner was already in office at the time when the Commission was constituted ; the two Members from East and West Pakistan High Courts joined the Commission on 1st November 1964 and 2nd November 1964, respectively.

Appointment of Returning Officer.

3. The Presidential Election Act, 1964 specifically lays down that the Chief Election Commissioner shall act as Returing Officer for the Presidential election.

Appointment of Assistant Returnig Officer.

4. The law also provides for the appointment of Assistant Returning Officers by the Commission in consultation with the President. Subject to any rules made in this behalf, or any directions given by the Commission, an Assistant Returning Officer may perform all or any of the functions of the Returning

Officer. The Election Commission, in pursuance of the provisions of section 4 of the Act, and with the prior approval of the President, appointed the following Assistant Returning Officers for purposes of the Presidential Election (*vide* Election Commission's Notificaton No. F. 2(55)|64-Els., dated 22nd November, 1964) :—

(1) Secretary, Election Commission, Rawalpindi.

(2) Regional Election Commissioner, Lahore.

(3) Regional Election Commissioner, Dacca.

Duties of Assistant Returning Officers.

5. The Secretary, Election Commission, in his capacity as Assistant Returning Officer, was empowered to receive, at his office at Rawalpindi, all nomination papers for the office of the President, to scrutinize the nominations, to receive withdrawal and retirement notices and to take all action in connection therewith. The following duties were assigned to the other Assistant Returning Officers to be performed in their respective areas :

(a) Preparation of a list of polling stations proposed to be provided for the election [section 23(1)];

(b) establishment of the approved polling stations [section 23(3)];

(c) appointment of Presiding and Polling Officers (section 24);

(d) fixation of hours of poll and the issue of public notice of the hours so fixed (section 26) ;

(e) adjournment of poll if necessary and the appointment of a fresh date for the adjourned poll (section 27) ;

(f) provision of ballot boxes at the polling stations [section 29(1)];

(g) admission of persons to the polling stations, other than those on duty in connection with the elections, and the contesting candidates and their election and polling agents [section 30(c)]; and

(h) receipt of statements, packets and accounts prepared by the Presiding Officers [section 36(5)].

Appointment of Presiding and Polling Officers.

6. The Returning Officer is required to appoint for each polling station a Presiding Officer and such number of polling officers to assist the Presiding Officer as he considers necessary. The Polling Officers attached to a polling station were to assist the Presiding Officer in the conduct of the poll. The Presiding Officer was responsible primarily for maintenance of order at his polling station and for the conduct of the poll. He could, however, entrust specified functions to the Polling Officers who were then bound to perform those functions. A Polling

15th April, 1965, it was proposed that proceedings for the Presidential election be commenced from the beginning of the second week of April, 1965. The altered programme was as follows :—

1. Issue of notification and programme	...	8-4-1965
2. Receipt of nominations	... ...	15-4-1965
3. Finalisation of names of the candidates by reference to Speaker, if necessary.		15-4-1965
4. Withdrawals	... ...	21-5-1965
5. Poll	... ...	10-7-1965

Amendment of Constitution necessitated further change.

4. In the meantime, the Constitution (Second Amendment) Act, 1964 was promulgated ; it provided for the current term of the office of the President to expire on the 22nd day of March, 1965. This amendment meant that the Presidential election had to be completed by the first week of March, 1965 so as to allow the prescribed fourteen days time between the election of the President and the expiry of the current term under Article 165 of the Constitution.

Poll earlier due to Ramzan.

5. The month of Ramzan which in 1965 began on January 5 made the task of programming the election more difficult. The Commission had to decide whether the poll should be taken before the month of Ramzan or immediately thereafter. The holding of the polls immediately after Eid would have necessitated the holding of projection meetings either during the month of Ramzan or before its commencement. The consensus of opinion was that the poll be held before the commencement of the holy month as the effect and impact of the projection meetings, if held before the month of Ramzan, would be lost if the polls were held after that month.

Final Programme announced.

A decision was, therefore, taken by the Commission that the polls be taken on the 2nd of January, 1965 *i.e.* before the first of Ramzan which fell on 5th January, 1965. The following programme was, then, drawn up and implemented :—

1. Issue of notification and programme.		23-11-1964 (Sunday)
2. Receipt of nominations	...	26-11-1964 (Thursday)
3. Scrutiny	... ...	27-11-1964 (Friday)
4. Withdrawal	... ...	30-11-1964 (Monday)
5. Publication of list of validly nominated candidates.		30-11-1964 (Monday)
6. Projection meetings	... ...	8-12-1964 to 25-12-1964
7. Poll	... ...	2-1-1965 (Saturday)
8. Count by Presiding Officers	...	2-1-1965 (Saturday)

7. The constitution of the Electoral College of Pakistan having been notified on the 21st of November, 1964, barely a month and ten days time was available within which the entire proceedings in connection with the Presidential election were to be completed. This insufficient period placed a great strain on the electoral machinery. A similar difficulty is, however, not likely to be experienced as acutely during the next Presidential election as the month of Ramzan will then be over earlier.

Constitution of Electoral College simultaneous with Presidential election.

8. Most of the processes of the Presidential election were completed during the month of December, 1964. Inspite of the cold and snow in some of the Special Areas, no real difficulty was experienced. The electorate is small and the movement of a limited number of persons, even in the snow-bound areas, does not pose a serious problem. The holding of the election between December and March, during which time most of the future elections are likely to be held, is, therefore, considered suitable.

Whether time suitable for future elections.

CHAPTER X

NOMINATIONS AND SCRUTINY

Notification calling upon the Members of the Electoral College to elect a President.

The proceedings of the Presidential election commenced with the issue of Notification No. F. 2(63)|64-Els., dated the 22nd November, 1964 in pursuance of the provisions of section 3(1) read with section 3(2)(a) of the Presidential Election Act, 1964 (Act VIII of 1964), whereby the members of the Electoral College of Pakistan were called upon to elect, before the 7th of March, 1965, a person to the office of President of the Islamic Republic of Pakistan. Simultaneously with the issue of this notification, the Commission, in pursuance of the provisions of section 5 of the Act, invited nominations for election to the office of the President ; and, for that purpose, fixed dates and the place for receiving nominations and holding scrutiny.

Arrangements for receipt of nominations.

2. According to the notified programme, nomination papers were to be received, on or before the 26th November, 1964 before 2.00 P.M., by the Assistant Returning Officer at the office of the Commission in Rawalpindi and the scrutiny of nomination papers was to be held by the same officer on the 27th November, 1964 at 11.00 A.M. It was suggested, and widely publicised, that, as far as possible, all nomination papers may be filed between 9.00 A.M. and 2.00 P.M. on the last day fixed for filing of nomination papers and that, in case a nomination paper was proposed to be filed earlier, the Assistant Returning Officer be first contacted over the telephone and the time at which it was proposed to file the nomination intimated to him.

Qualifications and disqualifications for the office of President.

3. Articles 10 and 103 of the Constitution lay down the qualifications and disqualifications for nomination to the office of the President. In addition to the disqualifications imposed by the Constitution, the law for the time being in force declares the following persons as ineligible for seeking election to the office :—

(1) The wife of a person in the service of Pakistan other than the persons mentioned in clause (3) of Article 103 of the Constitution [*viz.* the President, a Governor or a Minister].

(2) A person who is, for the time being, disqualified from being a member of an elective body under the Elective Bodies (Disqualifications) Order, 1959 (P.O. No. 13 of 1959), or under any other law for the time being in force.

(3) A person who is a whole-time salaried official of a public statutory corporation or of a local council.

(4) A person convicted for any offence under P.O. No. 4 of 1962 or a person who has been found guilty of any corrupt or illegal practice by a Tribunal under para (a) of clause (2) of article 26 of the Settlement of Disputes (First Elections) Order, 1962 (P.O. No. 13 of 1962) and disqualified under P.O. No. 4 of 1962.

These disqualifications imposed under the law are in addition to and not in derogation of the disqualifications specified in Article 103 of the Constitution.

4. A person qualified to be elected as President has to file his nomination on a prescribed form (Appendix 'H'), to which is attached the form of an oath to be subscribed by the candidate himself. The candidate has also to sign a declaration to the effect that he has consented to the nomination and that he is not subject to any legal or Constitutional disqualification. The declaration also specifies the name of the District, and the name and number of the electoral unit, in which the candidate is registered as a voter. **Form of nomination.**

5. The nomination papers could be filed by the candidate himself or by his proposer or seconder or an agent authorised in this behalf in writing by the candidate. Any number of nomination papers could be filed on behalf of a candidate and every nomination paper had to be acknowledged by the Assistant Returning Officer under his signature specifying the date and time of receipt. **Who could file a nomination.**

6. A proposer or a seconder has to be an Elector *i.e.* a member of the Electoral College of Pakistan. In order to verify the fact that a candidate is a voter and the proposer or seconder is an Elector, certified copies of the relevant electoral roll and Electors' list entries were to be produced as enclosures to the nomination forms. These extracts could be had from the Registration Officers in case of the electoral roll and the Regional Election Commissioner at Lahore or Dacca in case of the Electors' lists. The Registration Officers (for electoral units) were instructed to supply to the candidates, or to their agents, certified copies of extracts from relevant electoral rolls on demand. The relevant Gazette Notification bearing the name of the proposer or seconder could also be produced as proof of membership of the Electoral College. **Who could propose and second and the required documentation.**

7. A nomination form was to be accompanied by a receipt showing that a sum of Rs. 5,000 had been deposited in favour of the Commission by the candidate, or by any person on his behalf, at a branch of the National Bank of Pakistan or at a Government Treasury. The deposits were to be made under **Security deposit.**

the head 'Deposits and Advances Part II—Deposits not bearing interest—Civil Deposits—Deposits in connection with election.' Not more than one deposit was required in case of a person nominated as a candidate by more than one nomination papers. All the candidates chose to make the deposits in cash before the Assistant Returning Officer. A total sum of Rs. 35,000 was thus received and acknowledged.

Number of Nomination Papers filed.

8. All the nomination papers were filed on the 26th November, 1964, except one nominating the sitting President, which was filed the previous day. The following persons were nominated (the number of nomination papers filed on behalf of the candidates is indicated against each) :—

(1) Field Marshal Mohammad Ayub Khan ..	18
(2) Mr. Khan A. Sabur	1
(3) Mr. K. M. Kamal	1
(4) Mohtarama Fatima Jinnah	71
(5) Mian Bashir Ahmad	2
(6) Mr. Muhammad Shoaib	1
(7) Mr. Zulfikar Ali Khan	1

Scrutiny, Press representatives permitted.

9. The scrutiny of nominations was fixed for 11.00 a.m. on the 27th November, 1964. It was publicised that the nomination papers filed could be examined by the candidates, their proposers, seconders or authorised agents, in the office of the Assistant Returning Officer between 2.00 p.m. and 4.00 p.m. on 26th November, 1964 and between 9.00 a.m. and 11.00 a.m. on 27th November, 1964. No person, however, turned up to inspect the nomination papers before 11.00 a.m. on the day of scrutiny. On the date and at the time fixed for purposes of scrutiny the candidates, their proposers and seconders and one person authorised in this behalf by each candidate could attend the scrutiny. When the scrutiny of nominations commenced, the Assistant Returning Officer's chamber was full to capacity and representatives of the Press were permitted to watch the proceedings.

Grounds for rejection.

10. Either on his own motion or upon receipt of an objection, the Assisant Returning Officer is empowered to conduct such summary enquiry as he thinks fit and to reject any nomination paper if he is satisfied that—

(a) the candidate is not qualified to be elected as President under the Constitution;

(b) the candidate is disqualified from being, or being elected as, a Member of an Elective Body under the Elective Bodies (Disqualifications) Order, 1959 (P.O. No. 13 of 1959) or under any other law for the time being in force;

(c) the proposer or seconder is not an Elector ;

(d) any of the provisions of section 6 with regard to the filing of nomination papers, or of section 7 relating to the deposits required to be made, have not been complied with ; or

(e) the signature of the proposer or of the seconder is not genuine.

The law forbids the rejection of a nomination on the ground of any defect which is not of a substantial nature and allows the Assistant Returning Officer to have such a defect remedied forthwith. The Assistant Returning Officer is precluded by law from enquiring into the correctness or validity of any entry in the electoral roll for an electoral unit (prepared under the Electoral College Act) or in the Electors' list. The rejection of one nomination paper does not invalidate the nomination of a candidate by another valid nomination paper.

Attitude of P. M. L. on acceptance of nomination of Miss Jinnah.

11. The scrutiny of nominations commenced at 11.00 a.m. and lasted for about two hours. Mr. Manzur Quader, a former Chief Justice of West Pakistan High Court, appeared on behalf of the P.M.L. (Pakistan Muslim League) candidate, Field Marshal Mohammad Ayub Khan, H. Pk. ; H. J., while the C.O.P. (Combined Opposition Parties) candidate, Mohtarama Fatima Jinnah, was represented by Mr. Mohammad Anwar, a former Advocate-General of West Pakistan. Mr. Manzur Quader did not raise any objection to the nomination of any of the candidates. The counsel for the C.O.P. candidate objected to the nomination of all the rival candidates. Most of the time during the scrutiny of papers was, however, devoted to the hearing of objections and replies with regard to the nomination of Field Marshal Mohammad Ayub Khan.

Objections raised against the nomination of Field Marshal Mohammad Ayub Khan.

12. The main objection raised against the nomination of the P.M.L. candidate was that, as a Field Marshal, he should be considered to hold "an office of profit in the service of Pakistan", which is a disqualification under Article 10 of the Constitution. It was contended that no specific order of the Government of Pakistan retiring Field Marshal Mohammad Ayub Khan from the Army existed. A Field Marshal has an indefinite tenure of office as is clear from the definition of 'Field Marshal' given in Chamber's Encyclopaedia which is based on the British concept of "once a Field Marshal, always a Field Marshal". In the absence of any thing to the contrary in the country's law, this concept prevailed.

13. It was also urged that the above contention was strengthened by the fact that the Field Marshal was in receipt

of 'half pay', and not a 'pension'; with the result that in law he continued to be in the service of Pakistan.

14. It was urged that the Gazette Notification of October 20, 1964 did not belie this position when it cited that Field Marshal Mohammad Ayub Khan had retired from service with effect from July 13, 1960 as no mention was made therein of any order of retirement having been passed by Government. Such a specific mention was essential under the Army Act before the person concerned could be considered to have retired.

Mr. Manzur Quader rebuts Mr. Anwar's arguments.

15. Mr. Manzur Quader, while replying to the objections raised by Mr. Anwar, quoted from the British Army Act, 1957 and from May's Parliamentary Practice. He submitted that even under the British concept an Admiral of the Navy, a Marshal of the Air Force and a Field Marshal of the Army were not restrained from holding any other office of profit after they were put on retired pay. They were also eligible to contest elections to the House of Commons. It was stated that "Field Marshal" was merely a rank and, therefore, one could hold it even after retirement. He pointed out that under section 176 of the Pakistan Army Act, the Central Government was competent to frame rules about the retirement or release or dismissal of the Army personnel. The Central Government, he stated, was authorised to terminate the service of Army personnel and determine their retirement ages etc. It was urged by him, therefore, that it was for the Central Government to say whether a person was, or was not, in service in the Armed Forces. He also made the point that if a retired officer was, at the time of his retirement, placed on the 'reserve list' he could be called up for service as long as he remained on the 'reserve list'. In the case of Field Marshal Mohammad Ayub Khan there was no such placement and, therefore, he was under no obligation to be called up. His retirement, therefore, was final and the term "half pay" was synonymous with "pension" for past services. This payment was also, in fact, being debited to the Government's "pension account". Copies of three Gazette Notifications dated November 19, November 20 and November 23, 1964 were produced before the Assistant Returning Officer which, it was stated made it abundantly clear that President Field Marshal Mohammad Ayub Khan had since retired from active service under Government orders and did not, therefore, hold any office of profit which could prevent him from seeking election under the Constitution. A certificate from the Accounts Department to prove that half pay, as drawn by the President, had all along been debited to "pension account" in the budget was produced in support of the contention.

16. On perusal of the three notifications produced by Mr. Manzur Quader, Mr. Anwar stated that if they could be proved to be "competent and valid", his objections would no longer have force. He said that the issue of such notifications at the eleventh hour should, however, be held to be a malafide act.

17. The Assistant Returning Officer after hearing arguments from both sides over-ruled the objections and accepted the nomination of Field Marshal Mohammad Ayub Khan; the nomination papers of Mohtarama Fatima Jinnah were accepted earlier as no objection to her nomination was raised by, or on behalf of, any of the candidates.

Objections against other nominations.

18. Mr. Anwar claimed that the candidate, Mian Bashir Ahmad, was of unsound mind and that his nomination should be rejected on that ground. The Assistant Returning Officer over-ruled the objection as no proof of the allegation was forthcoming. He also pointed out that Mian Bashir Ahmad's name appeared in the electoral unit roll as well as in the Electors' list and that neither of these lists can be challenged at the time of scrutiny due to the prohibition imposed by section 8 of the Act. One of the two nomination papers filed by Mian Bashir Ahmad was, however, rejected on the ground that the seconder appeared as the proposer in the other nomination form which was not allowed under the provisions of section 6(5). The nomination of Mr. Zulfikar Ali Khan was also objected to by Mr. Mohammad Anwar on the ground that the name given in the form was 'Zulfikar Ali Khan' whereas in the signature it was different. However, as the entry of the name in the electoral unit roll tallied with the name mentioned in the nomination form, the Assistant Returning Officer accepted the nomination. Similar objections of a minor nature were raised against the nominations of Khan A. Sabur and Mr. Mohammad Shoaib but their papers too were accepted. The genuineness of Mr. K. M. Kamal's signature was questioned by Mr. Anwar. The candidate was not present at the scrutiny. The Assistant Returning Officer, however, accepted his nomination papers which had been filed by the candidate in person before him previously.

No appeals.

19. In case a nomination is rejected, an appeal lies with the Commission and the Commission's orders on such appeal are final. The appeal has to be filed in the form of a memorandum within two days next following the day of the rejection. Since no nomination was rejected, the question of filing an appeal did not arise. The Assistant Returning Officer, therefore, published the list of validly nominated candidates in Form V immediately after the scrutiny was over.

CHAPTER XI

WITHDRAWALS

Provision regarding candidature by more than three persons.

As has been mentioned in the preceding chapter, there were altogether seven validly nominated candidates for the Presidential election. According to Article 166 (1) of the Constitution, " a person who is, and has for a continuous period of more than eight years, been holding office as President is not eligible to be re-elected as President " unless the Members of the Assemblies at a joint sitting approve of his candidature in a secret ballot. Since the sitting President had not been in office for a continuous period of more than eight years, a reference in this regard was not necessary.

2. By another provision of the Constitution (Article 167), if the number of candidates for election to the office of President (excluding the sitting President if he is also a candidate) exceeds three, the Commissioner shall inform the Speaker of the National Assembly of the fact and the Speaker shall forthwith convene a joint-sitting of the Members of the National Assembly and of the Provincial Assemblies (or, if the National Assembly has been dissolved, of the Provincial Assemblies only) to select three of the candidates for election.

Three Ministers withdrew from the contest.

3. The number of validly nominated candidates being seven, a reference under the preceding para would have become essential. Three of the candidates, however, withdrew their candidature. The names of the candidates who withdrew their candidature were—

(1) Khan A. Sabur,

(2) Mr. Mohammad Shoaib, and

(3) Mr. Zulfikar Ali Khan.

Allocation of symbols.

4. The candidates were advised well in advance to indicate their preferences for symbols at the time of filing nomination papers. The symbols prescribed by the rules under sub-section (1) of section 19 were the following :—

(1) Aeroplane.

(2) Bicycle.

(3) Flower.

(4) Horse.

(5) Lamp.

5. In pursuance of the provisions of Section 19, the Returning Officer having regard to the preferences indicated by the candidates (except Mr. K. M. Kamal), and in consultation with the Commission, allocated symbols to the candidates as follows :—

(1) Field Marshal Mohammad Ayub Khan Flower.

(2) Mr. K. M. Kamal .. .. .. Bicycle.

(3) Mian Bashir Ahmad .. .. Aeroplane.

(4) Mohtarama Fatima Jinnah .. .. Lamp.

Publication of list of contesting candidates and symbols.

6. A list of candidates who had been validly nominated and who had not withdrawn their candidature, was published in the official Gazette along with another list notifying the symbol allocated to each candidate. The Returning Officer, in consultation with the Commission and in pursuance of the provisions of section 26, also notified the hours of poll as between 8-30 A.M. and 3-30 P.M. on Saturday, the 2nd January, 1965. The three notifications were published on 30th November, 1964 (Appendix ' I ').

7. The symbols ' Flower ' and ' Lamp ' assumed the names of the ' Rose ' and the ' Lantern ' during the course of the election campaign. The ' Rose ' came to be associated with the Presidential form of Government in accordance with the Pakistan Muslim League programme and the ' Lantern ' symbolised the Parliamentary form for the restoration of which the Combined Opposition Parties stood.

Election agents.

8. The following election agents were appointed, under written intimation to the Commission, by the respective candidates :

1. Mr. Khurshid Ahmad ... (the then Law Minister)	as agent for	Field Marshal Mohammad Ayub Khan.
2. Mr. Daliluddin Ahmad ...	..	Mr. K.M. Kamal.
3. Begum Bashir Ahmad ...	..	Mian Bashir Ahmad.
4. Mr. Hassan A. Shaikh ...	,,	Mohtarama Fatima Jinnah.

CHAPTER XII

PROJECTION MEETINGS

The law with regard to meetings.

Article 173 of the Constitution lays down that provision shall be made by law for ensuring :

"(a) that each candidate at an election has the opportunity, and so far as is practicable, equal opportunity with other candidates, of addressing the persons who are entitled to vote at the election ; and

(b) that the persons entitled to vote at the election have the opportunity of questioning each candidate, face to face."

This is a unique provision in keeping with the requirements of the conditions obtaining in Pakistan. As such, full details of the arrangements, conduct and proceedings of these meetings are given in this Report. The provisions to be made by law under the above-said Article of the Constitution are embodied in Chapter III of the Presidential Election Act, 1964, the main feature of which are explained in Appendix 'J'.

The original programme.

2. In pursuance of the provisions of section 40, the Commission decided to convene meetings of Electors at the places, and on the dates, as given below :—

1.	Rawalpindi	8-12-1964
2.	Peshawar	10-12-1964
3.	Lahore	12-12-1964
4.	Sukkur	14-12-1964
5.	Karachi	16-12-1964
6.	Dacca	19-12-1964
7.	Chittagong	21-12-1964
8.	Khulna	23-12-1964
9.	Rajshahi	25-12-1964

By a public notice, issued by the Commission on the 1st of December, 1964, the members of the Electoral College from outlying districts were invited to attend the meetings to be held nearest to their Districts.

Entry of the public.

3. Unrestricted entry of the public would have required elaborate arrangements for the maintenance of law and order. Moreover, sufficient accommodation was not likely to be available if there was to be unrestricted entry of the public to these

meetings. It was feared that with mounting interest in this, the first Presidential election in the country, there would be an unmanageable rush at these meetings. The Commission, therefore, decided to restrict the entry of the public through issue of passes. Passes could be obtained by written application to the Deputy Commissioner by persons seeking to attend these meetings. If the number of applications in a District was in excess of the number of passes allocated to the District, lots were to be drawn in public at the offices of the Deputy Commissioners three days before the date of the relevant meeting. The meetings were also open to Press representatives who were to be admitted on production of their Press cards. The number of public invitees for each District was roughly in proportion to the population of the District and was fixed in such a way that at a meeting the total number of such pass holders should not exceed about 2,000 in West Pakistan and about 2,500 in East Pakistan.

4. While these arrangements were in progress, the law was amended restricting attendance at the meetings to Electors and accredited press representatives only. This simplified the organisation of meetings to a great extent.

Changes in the programme.

5. A number of changes had to be made in the programme already announced. The Combined Opposition Parties candidate desired to be present in Karachi on 25th December on personal grounds ; she was accommodated by fixing the last meeting in East Pakistan for Dacca on the 24th December. On representation from the Divisional Commissioner and from local Electors, the meeting proposed for Sukkur was shifted to Hyderabad. Finally, an extra meeting was considered necessary for West Pakistan for the convenience of the Bahawalpur Electors. This meeting was fixed at Multan though both the C.O.P. and the Pakistan Muslim League were not in favour of this addition.

6. The final programme was, therefore, fixed as follows :—

(1) Rawalpindi	8-12-1964
(2) Peshawar	10-12-1964
(3) Lahore	12-12-1964
(4) Multan	13-12-1964
(5) Hyderabad	15-12-1964
(6) Karachi	16-12-1964
(7) Chittagong	19-12-1964
(8) Khulna	21-12-1964
(9) Rajshahi	22-12-1964
(10) Dacca	24-12-1964

regard to the detailed programme of the meetings as a result of which she had to cut short her election tour of the Peshawar area in order to arrive in Rawalpindi for the first meeting. She also complained that the Commission had contented itself with issuing a general press release about the venue and time of the meeting, whereas the Pakistan Muslim League had issued individual invitations to the Electors and arranged transport for them to attend the afternoon session when the candidate of that party was scheduled to address the meeting. She felt that one of the candidates (the sitting President) had changed the law thus depriving the public of their right to hear the candidates because he was afraid of facing them ; in her view all the candidates should have addressed the meeting at the same time so that there may be a proper "confrontation" which was the real purpose of these meetings. After reading out her statement she left the meeting.

15. The C.O.P. candidate's statement, and subsequent departure without her taking part in the meeting as programmed, took everyone by surprise and left the audience bewildered. Mr. Justice Mohammad Iqbal, Member of the Commission, who was acting as the Presiding Officer, however, clarified the position as far as the Commission was concerned. He pointed out that he himself had travelled all the way to Karachi to acquaint the election agent of the C.O.P. candidate with the programme of the meetings which had to be held according to schedule. He pointed out that it would, therefore, not be correct to say that the candidate, or her party, had not been consulted. With regard to the allegation of short notice given for filing nominations, it was explained by Mr. Justice Iqbal that speculation was rife that the election might either be postponed or might not be held at all and that to dispel any such doubt, the Commission had decided to follow the programme as framed so that nominations could be called by the end of the month. Even so, care was taken to give notice, through the Commission's earlier unofficial announcement, that nomination papers would have to be filed on or before the 26th November, 1964. As such, though the official notification calling for nominations was issued on 22nd November, 1964, the programme was by then already known. Mr. Justice Mohammad Iqbal pointed out that in order to facilitate filing of nomination papers he had given a personal assurance to the C.O.P. leaders that the nomination papers to be filed by Mohtarama Fatima Jinnah, even if they used plain paper for the purpose, would be accepted and that all facilities would be given by the Commission in this behalf. Unfortunately, the Commission could not avoid the fact that the constitution of the Electoral College was

notified only on 21st November, 1964, and that the Presidential election had, therefore, to be conducted between that date and the beginning of Ramzan on 5th January, 1965. Also, as Projection meetings had to be held throughout the country, while preparations for the poll were being made, it was inevitable that considerable inconvenience would be caused to the candidates and to all other concerned. Under the circumstances, the Commission had tried its best to secure the willing cooperation of the candidates where necessary by personal contact ; and he was glad to say that this was generally forthcoming. He went on to explain that each candidate would be addressing the morning or the afternoon session by turn and that there could be absolutely no motive behind the decision of the Commission that the C.O.P. candidate should address the Rawalpindi meeting in the morning session. The objection to the arrangement was conveyed to the Commission late the previous night when, obviously, the desired change could not be made. Even so, the time for the candidate's address was fixed for as late as possible during the morning session namely at 10.45 A. M. As regards publicity arrangements made by one political party it was clearly not possible for the Commission to prevent them. The obvious course for the C.O.P. to counter the effect, if they so desired, was to take similar action themselves too.

16. Mr. Justice Iqbal took the opportunity to warn the Electors, and the public in general about the spread of irresponsible rumours about elections. For instance, it was widely alleged that different dates were being fixed for taking the poll in the two Provinces. Actually, the law specifically lays down the provision of only one day for the Poll. He suggested that in case of doubt, the Commission might be contained for correct information and that, in any case, the Commission offices would keep the country fully informed through their unofficial and official announcements and through the Press and the Radio. He assured the audience that the Commission was fully alive to its duties and it would take all steps it considered necessary to ensure that the election was conducted honestly, justly, fairly and in accordance with the law, and that corrupt practices were guarded against. During the performance of its duties, the Commission would always welcome reasonable suggestions from all quarters. He, however, requested that once a decision was taken, all concerned should cooperate without reserve. The points made by Mr. Justice Iqbal were well received and helped to clear the atmosphere.

17. In the afternoon session, a few important persons arrived to watch the proceedings of the meeting. They were

told by a representative of the Commission that, as they were not Electors, the meeting was not open to them or to the public. The Presiding Officer's attention having been drawn to the presence of some other unauthorised persons in the meeting, he asked those persons also to leave the meeting.

Points made by the candidates. 18. The main points made by the various candidates in their addresses in the projection meetings are at Appendix 'O'.

Trend of questions. 19. During question time, the Electors invited the views of the candidates mostly on the following subjects :—

A. Disputes with India—

(i) Kashmir dispute and its solution,

(ii) Indus Basin Waters agreement,

(iii) Settlement of evacuee property,

(iv) Plight of Indian Muslims and the Liaquat Nehru pact.

(v) U.S. and U.S.S.R. military aid to India.

B. Regional Cooperation—

(i) R.C.D.,

(ii) Relations with Muslim countries,

(iii) C.E.N.T.O. and S.E.A.T.O.,

(iv) Pak-Iran border demarcation,

(v) Pak-China border agreement.

C. International relations—

(i) Foreign aid and loans,

(ii) Relations with U.S.A. and China.

D. National Affairs—

(i) Family Laws,

(ii) Anti-flood measures, salinity and water logging,

(iii) Distribution of state land,

(iv) Stabilisation of prices.

(v) Student troubles,

(vi) Social Welfare measures,

(vii) Military training in the country and defence preparations,

(viii) Resettlement of refugees,

(ix) Industrial policy,

(x) One unit, adult franchise and Basic Democracies,

(xi) East-West Parity,

(xii) Future policies of the components of C.O.P.

The questions asked were a clear proof of the intelligent interest taken by the Electors and the political parties in electoral matters. The attention of the whole country was, in this way, attracted towards the need for a stable and efficient Government. It was, perhaps, for the first time that the electorate got a direct opportunity to ventilate its grievances and to make concrete suggestions for their removal. **General remarks.**

21. During this period there was intense and enthusiastic interest all over the country and the atmosphere was charged with emotion. A large majority of the Members of the Electoral College— even from far flung areas—attended the meetings.

22. The meeting at Peshawar was attended by Members of the Electoral College from the tribal areas as also from the settled districts of the former N.W.F.P.

CHAPTER XIII

SUPPLY OF MATERIAL

The programme for the adequate supply of required material to the election officials, and distribution to the polling stations, had to be carried out with great attention to detail. The receipt of all material by Presiding Officers was checked and rechecked to make sure that the requirements were fully met. Ballot boxes and ballot papers, the two major articles, received special attention.

Ballot Boxes

2. It is the duty of the Returning Officer to provide each Presiding Officer with such number of ballot boxes as might be required and to allow for an emergency reserve. The ballot box has to be of such material and design as may be specified by the Commission. The Commission had its own steel boxes which are operated mechanically and have self-locking arrangements. These boxes, when in the ballotting position, have an open slit for insertion of ballot papers but the boxes cannot be opened without breaking the seals. The Commission decided that these very boxes, which had previously been used at the time of Presidential ballot in 1960 and also for the National and Provincial Assemblies elections in 1962, should be used for the Presidential election.

3. The ballot boxes were properly cleaned, oiled and painted, wherever necessary, before their despatch to the districts. An adequate number of these boxes was made available to the District Officers with instructions that at least 3 ballot boxes (at the rate of 100 voters per box) be supplied at each polling station keeping a sufficient number in reserve at District Headquarters.

4. The Regional Election Commissioner arranged to send the ballot boxes to the District|Sub-Divisional Headquarter well in advance of the date of poll. Within the districts the district authorities made their own arrangements for distribution to the polling stations. Instructions for operating these boxes were sent to each Presiding Officer and District Officer and they were advised to hold rehearsals to check that the boxes could be satisfactorily operated by the persons concerned. Since the ballot box had to remain within the sight of the Presiding Officer and such of the Polling Agents and Election Agents as were present, there was no apprehension of the ballot boxes being tampered with. The instructions for the operation of ballot boxes are contained in Appendix 'P'.

Ballot Papers.

5. The printing of the ballot papers was arranged with the Government Presses at Karachi and Dacca. The form of ballot paper was specified by the Commission as required under

ক্রমিক সংখ্যা | প্রার্থীর নাম | চিহ্ন দিবার স্থান

১। ফীল্ড মার্শাল মহাম্মদ আইয়ুব খান



প্রার্থীর নাম | চিহ্ন দিবার স্থান

২। কে, এম, কামাল



প্রার্থীর নাম | চিহ্ন দিবার স্থান

৩। মির্জা বশীর আহমদ



প্রার্থীর নাম | চিহ্ন দিবার স্থান

৪। মোহতারেমা ফাতেমা জিন্নাহ



نشان لگانے کا خانہ		نام امیدوار	نمبر شمار
		فیلڈ مارشل محمد ایوب خان	۱.
		کے۔ ایم۔ کمال	۲.
		میاں بشیر احمد	۳.
		محترمہ فاطمہ جناح	۴.

section 28 of the Act. As desired by the Commission, the Ballot paper to be used in West Pakistan had the names of candidates printed in Urdu along with the symbol allocated to each candidate. Similarly, in East Pakistan the names of the candidates were printed in Bengali and the symbol of each candidate appeared against his name. A space was provided against the name of each candidate for the purpose of marking (Facsimiles reproduced).

6. The ballot papers were printed in four different colours and each ballot paper had a security mark on it. This security mark was kept a secret. Ballot papers of one particular colour alone were sent to a polling station and the same colour of ballot paper was not supplied to polling stations situated in the close vicinity of one another. This precaution was taken so that no attempt may be made to print spurious papers for any polling station, or to take ballot papers from one station to an adjoining station.

Other safety measures to preserve the secrecy of the ballot.

7. The counterfoils of the ballot papers contained the serial number of the book as well as that of each ballot paper. Before the ballot papers were despatched, they were checked to see that the ballot papers contained in each book were exactly the same in number as was indicated on the book and that the ballot paper and book numbers were correctly printed on the counterfoils. The ballot papers were supplied to each polling station in books of 100 or 25 ballot papers, which were approximately 25% in excess of the estimated requirement.

8. The ballot papers for a polling station were sealed in a packet to be opened by the Presiding Officer immediately before the commencement of the poll. An acknowledgement receipt was enclosed with the ballot papers in each packet; the Presiding Officers were asked to return the same duly filled in and signed in token of receipt. A list of the serial numbers of books and ballot papers supplied to each polling station was retained in the Regional Offices.

9. Adequate quantities of rubber stamps to be used as official marks, ink-pads and copying pencils were arranged through the Department of Printing and Stationery. Two rubber stamps (official mark) bearing identical code numbers, one ink-pad and three pencils in the same colour were packed in a separate sealed packet for each polling station.

10. Rubber-stamps with code numbers of the same series were not supplied at two places within the same district. The code number of the official mark assigned to a particular polling station was known personally to the Regional Election Commissioner of the Province concerned and to no one else. This was to ensure that the polling agents could satisfy themselves that

the code-number affixed on the back of the ballot papers was the same as had been supplied to the particular polling station and hence that no ballot paper not officially supplied was used.

11. All election material was supplied, through special messengers, to the district officers who had instructions that the sealed packets should in no case be opened before the commencement of the poll and that they should be opened by the Presiding Officers only and in the presence of such of the polling agents as may be present at the time of commencement of the poll. In the acknowledgement of receipt of ballot papers to be obtained from the Presiding Officers a certificate to the effect that the official mark, in duplicate, bearing a particular code number was received by the Presiding Officer, was also obtained The two sealed packets containing the ballot papers and the rubber-stamps (official mark) etc. were again put in a bigger packet and securely packed and sealed. Each packet contained an inscription on its cover, printed in red, "TO BE OPENED BY THE PRESIDING OFFICER IMMEDIATELY BEFORE THE COMMENCEMENT OF THE POLL AND IN THE PRESENCE OF SUCH OF THE POLLING AGENTS AS MAY BE PRESENT". All packets meant for a District|Sub-Division were then sealed in a canvas or cloth packet. The Deputy Commissioners were asked to take special care to see that a packet meant for a particular polling station went to that polling station.

Bags, Instructions and Forms of Statements etc.

12. The Regional Election Commissioners also supplied the Presiding Officers the following documents and packets allowing some reserve sets to be retained at District Headquarters:—

(1) Instructions for Presiding Officers.

(2) Presidential Election Act, 1964.
(3) Presidential Elections Rules, 1964.
} With Amendments.

(4) Covers required by the Presiding Officers for use at the close of the poll, to enclose the papers as are mentioned against each :

(i) E.C.P. 1 Valid ballot papers } At least 4 per polling station one for each candidate.

(ii) E.C.P. 2 Invalid ballot papers.

(iii) E.C.P. 3 Principal packet to contain packets of valid ballot papers cast in favour of each contesting candidate and the packet of invalid ballot papers.

(iv) E.C.P. 4 Unissued ballot papers with their counterfoils.

(v) E.C.P. 5 Spoilt ballot papers.

(vi) E.C.P. 6 Marked copy of electors' list.

(vii) E.C.P. 7 Counterfoils of issued ballot papers.

(viii) E.C.P. 8 Miscellaneous papers. } At least three per polling station.

(ix) E.C.P. 9 Statement of the result of count. } At least three per polling station.

(x) E.C.P. 10 Ballot paper account.

(5) Form VII (Statement of Result of count). } At least seven per polling station.

(6) Form of the ballot paper account. } At least seven per polling station.

(7) Instructions for the operation of ballot box. } At least seven per polling station.

(8) List of Polling Stations showing polling areas.

(9) Copies of Instructions for Electors.

13. The District Officer supplied each Presiding Officer with an uptodate Electors' list in duplicate duly authenticated and sealed under his signature. Two copies of each list were considered sufficient for use at each polling station. Wherever a Tehsil|Thana had been split up, the portion not required was carefully cancelled to avoid confusion. The polling station lists provided to each Presiding Officer clearly indicated the area from which electors were entitled to vote at his polling station. **Electors' List.**

14. The Deputy Commissioner|Political Agent in West Pakistan and Sub-divisional Officer in East Pakistan was supplied with a list of the material that would be required at a polling station other than the material supplied by the Commission. He was asked to ensure that the material contained in the list, along with any other article that may be considered essential, was made available to the Presiding Officers before the poll. The officers confirmed in writing the local purchase of such material and its distribution. Similarly, a certificate was obtained from each District|Sub-Division, before the 29th December, 1964, testifying to the fact that the material supplied by the Commission had been received and distributed to the Presiding Officers. A list of the material purchased locally is reproduced below :— **Material to be purchased by the Deputy Commissioners.**

1. Wire or string for the sealing of Ballot Boxes.
2. Candles.
3. Seal for sealing the packets (office seal of Presiding Officers will serve the purpose).
4. Sealing Wax.
5. Match Box.
6. Blank paper (one quire).
7. Lead pencils.

8. Red and blue pencils.
9. Ink pots.
10. Ink Blue black.
11. Carbon papers.
12. Blotting paper.
13. Pins.
14. Pen holder.
15. Nibs.
16. Knife.
17. Scissors.
18. Gum bottles with gum and brush.
19. Clips.
20. Packing paper.
21. Bag for holding the sealed packets to be sent to the Returning Officer (Chief Election Commissioner, National Bank Building, Edwardes Road, Rawalpindi).
22. Needles.
23. Thread.
24. Sutli (tape).
25. Envelopes ordinary small and large.
26. Placards showing—
    (i) Name and location of the polling station ;
    (ii) Entrance ; (iii) Exits ; (iv) Presiding Officer ;
    (v) Polling Officers ; and (vi) Polling Agents.
27. Furniture if not available at the site of the Polling Station—
    (a) Tables.
    (b) Chairs.
    (c) Benches.
    (d) Screens for the compartment where ballot papers were to be marked by the Electors.

15. Posters carrying the names and symbols of candidates for display at the polling stations were printed in Karachi and distributed for use at the polling stations. The display of these symbols was meant to help such Electors who, being illiterate, could have made mistakes in marking the ballot papers.

16. It is a matter of great satisfaction that the arrangements at the polling stations did not fail anywhere due to late arrival, or non-arrival, of the requisite material. Despite great care taken in supplying sufficient quantity of the requisite election material to the Returning Officers, in two cases (in Chittagong and Noakhali Sadar), however, preliminary check revealed that the number of ballot papers supplied was likely to fall short of requirement. The deficiency was made good by flying additional ballot papers to the polling stations.

CHAPTER XIV

THE POLL AND THE DECLARATION OF RESULTS

The poll is the crucial stage of the election processes. The Commission was eager to ensure, by all means at its disposal, that the polls were conducted fairly and efficiently. Polling schemes were, therefore, planned and prepared in detail and the polling personnel selected carefully.

Party Demands.

2. The C.O.P., at an initial stage of the Presidential election, described the Presidential Election Rules framed by the Central Government as unsatisfactory and demanded that fresh Rules be framed by the Commission in consultation with both the major political parties. They also pressed for the acceptance of a number of demands which they put forward on 26th November, 1964 for ensuring free and fair polls. These demands were that—

(1) The poll should be held all over the country on the same day.

(2) The area covered by a polling station should be sufficiently large.

(3) The actual casting of votes should be within the sight of the Presiding Officer and Polling agents of all the candidates and for this purpose the ballot box, or ballot boxes, should be placed within the view of the Presiding Officer and the Polling agents.

(4) Identity cards, with photographs, should be issued to the Electors well in advance of the date of Poll.

(5) Presiding Officers should be chosen from among senior judicial officers. If a sufficient number of judicial officers was not available, the services of Principals and Professors of Colleges may be utilised. Officers of the Executive should not be appointed for this purpose.

(6) The maintenance of law and order in the Polling Stations should be the responsiblity of the Presiding Officers who may be assisted by the police working under their control.

(7) The Presiding Officers should make seating arrangements for the polling agents so as to enable them to see the insertion of ballot papers into the ballot box.

(8) Hours of poll should be from 9.00 A.M. to 4.00 P.M. in West Pakistan, and 10.00 A.M. to 5.00 P.M. in East Pakistan, without break.

(9) The Polling agents of candidates should be allowed to affix their seals on the ballot papers, along with the seals of the Presiding Officers, before issue.

(10) There should be continuous publicity from the Radio and the Press that there would be no interference in the elections and that every body was free to cast his vote without fear or favour.

(11) Counting after the close of the poll should be done by the Presiding Officers in the presence of polling agents.

3. A C.O.P. delegation placed these demands before the Commission and explained their point of view. They said that they felt specially concerned at the proposed employment of executive officers for polling duties. They felt that since these officers were under the control of the ruling party representatives they might not act impartially. The delegation also detailed the reasons which prompted the other demands.

The Commission Decisions.

The powers and functions of the Commission were explained at length to them and they were assured that the Commission intended to conduct the elections honestly, justly, fairly and in accordance with the law so as to guard against corrupt practices. They were assured that the Commission was fully conscious of the need for adopting suitable precautions as the circumstances may demand.

5. The Commission also gave a hearing to the other parties and thereafter took certain decisions in this behalf. Instructions embodying the Commission's decisions were conveyed to the Presiding Officers. These are indicated in paragraphs 6 to 8 below.

. The Commission felt that it was a reasonable request to place the ballot box on the Presiding Officer's table in such a position that it be visible both to the Presiding Officer and to the Election and polling agents. The law requires the box to be placed within the sight of the Presiding Officer but the Commission felt that the spirit of the law required that it be placed within the sight of the election and polling agents also.

7. The Commission decided that it was not possible, or even desirable, to exclude the executive officers from polling duties. The Constitution makes it obligatory only for the *executive* authorities to assist the Commission in the discharge of its functions. As such, judicial officers could not, as of right, be called upon to undertake polling duties. The High Courts would have to be requested to allow their officers to be nominated as Presiding and Polling Officers. Also, sufficient judicial officers were not available ; nor were they available at many of the places where polling stations were to be set up.

8. The Commission were of the opinion that it would not be correct to condemn a whole service following vague apprehensions or even as a result of allegations against individual officials. Both the parties were, therefore, informed that if there was any reasonable objection against any particular appointment, a complaint might be addressed to the Commission. No such complaint was, however, lodged.

Polling personnel.

9. Thoughtful consideration was given to the appointment of polling personnel; the main categories from which these officers were drawn to man the polling stations has been dealt with at length in the chapter relating to electoral machinery. The Presiding Officers were made responsible for the maintenance of law and order at the polling stations. The police and other staff on duty were entirely under the control of the Presiding Officers. No discretion was allowed to the Presiding Officers to allow persons to visit the polling stations except those who were permitted to do so by the Commission. Besides the persons so permitted, only the following persons, being on duty in connection with the poll, were permitted free access to the polling station :—

(i) Presiding Officer.

(ii) Polling Officers.

(iii) A clerk or peon(s) who may be required by the Presiding Officer to assist him in the conduct of the poll.

It is a matter of great satisfaction that the Presiding Officers maintained complete control at all the polling stations and acted in such a manner as not to give any cause for serious complaint. There were, however, a few complaints of alleged violation of instructions. Telephonic instructions were issued in these instances to the Presiding Officers to remedy those defects forthwith. The attitude of these officers set at rest, by and large, the fears that officers entrusted with the conduct of poll were prone to yield to pressure.

Instructions to Presiding Officers.

10. In order to acquaint the Presiding Officers with the nature of their duties and functions under the Presidential Election Act, 1964 and the Rules, a set of instructions was drawn up. Copies of these instructions were supplied to the Presiding Officers well before the poll. They were told that these instructions were to serve as a guide but that they could seek clarification if needed. They were also requested to see that their polling officers understood the law and that such of the

points as were not clear to them were explained by the Presiding officers. A copy of the instructions issued to the Presiding Officers is contained at Appendix 'Q'.

Area to be served by a polling station.

11. The C.O.P., in one of their demands, urged that not less than a tehsil should be the area served by a polling station in West Pakistan and not less than the administrative unit of a thana in East Pakistan. As the total number of voters in each of the regions of Quetta and Kalat would not exceed 600, it was requested that the polling stations should be located at Quetta and Kalat respectively. It was further urged that polling in respect of the tribal areas be arranged at Divisional headquarters in the settled areas so as to avoid official, administrative and other pressures against free exercise of the right of secret vote. After the Commission had agreed in principle to a polling station being set up at a tehsil headquarter in West Pakistan and at a thana headquarter in East Pakistan and after the polling station list had been finalised and published, the COP objected to the establishment of polling stations at taluka headquarters in the Sind region. This was in violation of the principle previously advocated and accepted by the Commission. It was said that a number of talukas in the districts of Sind should be served by one polling station at a convenient central place. The reason assigned for this suggested deviation was that due to the small number of Electors assigned to a polling station in those areas the secrecy of ballot was likely to be violated. The Commission, however, felt that the inconvenience that would be caused to the Electors by their having to travel longer distances should be the deciding factor against enlarging the polling area. On the other hand, in view of the other precautions already taken, the apprehensions expressed by the C.O.P. were unfounded.

Selection of Polling Stations.

12. The Returning Officer is required, under the law, to suggest to the Commission a list of polling stations he proposes to set up in his area. The powers in this regard were delegated by the Returning Officer to each Regional Election Commissioner who acted as Assistant Returning Officer for his province. The duty of selection of sites for the polling stations mainly rested with the Assistant Returning Officers who carefully prepared these lists under the direct supervision and control of the Member, Election Commission, of the wing concerned, and sent it to the Commission, for approval. In the selection of sites, preference was given to public buildings such as School and College buildings, Community Development Centres, Municipal Halls etc. The use of Police Station buildings and Levy Headquarters was specifically

not also be located at a place which was in the possession, or under the influence, of any of the contesting candidates. It was also kept in view that these centres should be easily accessible. The polling stations were selected in such a way that two to three hundred Electors, on an average, were assigned to each polling station. Variations were, however, permitted. Polling stations were set up for a lesser number of Electors where distances were prohibitive and the number prescribed was allowed to be exceeded where the area concerned was compact and sufficiently commodious buildings were available. Generally, a Tehsil|Taluka headquarter in West Pakistan and Thana Headquarters in East Pakistan were selected. It was, however, not everywhere that a Tehsil in West Pakistan, or a Thana in East Pakistan, had a polling station. More than one Tehsil|Thana were sometimes served by a polling station at a centrally located place within a Sub-division in East Pakistan and a District in West Pakistan. Efforts were made to have the polling station located in the same premises as were used at the time of National and Provincial Assemblies Elections in 1962 or the Presidential ballot in 1960.

13. Objections were raised to the location of some of the polling stations. The Assistant Returning Officers readily accepted all reasonable suggestions and accordingly revised the proposals.

Number of Polling Stations.

14. A total of 419 polling stations were established for the Presidential election. Out of these, 202 were located in East
Presidential election. Out of these, 202 were located in East
mostly existing buildings were selected, improvised arrangements were also necessary in certain places. In East Pakistan especially, enclosures had to be provided to define the precincts of polling stations so as to permit the entry within the station of those who were waiting to vote and had not voted up to the hour fixed for the close of the poll.

List of Polling Stations.

15. A list of polling stations was published in the official Gazette after scrutiny and approval by the Commission; the area the Electors whereof were entitled to vote at each polling station was also specified. The Returning Officer provided the polling stations at the premises notified by the Commission.

16. A last minute change, before publication of the final list in the Central Gazette, was permitted when it was pointed out that 'Madrasatul Banat' in Hyderabad was under the charge of a polling agent of one of the candidates. Similarly, the location of a polling station proposed within the premises of a Primary

School at Karachi was changed when it was pointed out that the school lay within a "security area" to which entry was restricted. The final list of polling stations was published 10 days before the polling day except for the two changes mentioned above. The final list of polling stations is contained at Appendix 'R'.

Polling Agents.

17. A contesting candidate, or his election agent, could, before the commencement of the poll, appoint not more than two polling agents at each polling station. Notice of these appointments was to be given in writing to the Presiding Officers. The appointment of a polling agent could be revoked, and when so revoked, a fresh appointment could be made. The failure of a polling agent to be present at the polling station, however, did not have the effect of invalidating the proceedings and the poll had to proceed with irrespective of whether a polling agent was present or not. It was explained to the Presiding Officers that while the election agent or the polling agents were expected to be present to watch the polling if they so wished, it was not necessary that the proceedings be held up due to the absence of such agents.

18. To facilitate proper identification of the polling agents appointed by the candidates or their election agents, specimen signatures of the candidates and the election agents were obtained in adequate numbers and supplied to each Presiding Officer. These specimen signatures were supplied by the candidates and election agents only three to four days before the Poll and it was, therefore, apprehended that it might not be possible to get them to stations in remote and mountaineous areas. Instructions were, therefore, issued that in such an eventuality, Presiding Officers should exercise judicious discretion in accepting the letters of appointment produced by the polling Agents. In fact, the specimen signatures did reach almost all places in time and there was no case where a polling agent was refused entry for want of identification.

Polling Agents in Tribal Areas.

19. The C.O.P. had asked for the location of polling stations, in respect of the Tribal areas, at Divisional headquarters, *i.e.*, outside the Tribal areas, in order to facilitate the appointment of polling agents. The Commission decided that it would not be correct to locate a polling station outside the area from which the Electors would poll at that polling station, they therefore directed the Divisional Commissioners of the frontier regions that wherever polling agents were appointed from non-tribal areas for duty in a tribal area, they should be afforded special facilities for protection and transport. Unfortunately,

the C.O.P. chose some of their polling agents from amongst persons whose entry to those areas was already banned. This led to initial difficulties. Arrangements were, however, made and these persons were enabled to reach their polling stations before the commencement of poll. In other cases, the appointments of polling agents were suitably modified by the Election agents or by the candidates themselves.

Seating Arrangements for the Polling Agents.

20. The Presiding officers were instructed to seat the polling agents in such a way that they were able to see the insertion of ballot papers into the ballot boxes in order that they might satisfy themselves that the ballot papers which were being inserted into the ballot box were the ones issued by the Presiding Officer. In two or three cases, however, suitable seating arrangements could not at first be made as there was lack of accommodation inside the polling station. The Deputy Commissioners of these places were informed, over the telephone, that the instructions issued by the Commission must be followed strictly even if shamianas or tents had to be erected to secure better accommodation. These directions were complied with.

Signing of packets by Polling Agents and issue of attested copies to them.

21. The Commission did not foresee the possibility of an unauthorised ballot paper being inserted into the ballot box as adequate precautions were being taken. The polling agents were, however, authorised to sign, and to affix their seals to, the packets prepared at the close of the poll. The Presiding Officers were also asked to issue attested copies of the statements of count to the polling agents.

Date and Time of the poll.

22. The Commission announced that the poll would be taken throughout the country, on the 2nd January, 1965 between the hours of 8.30 A.M. and 3.30 P.M. without break. It was specifically ordered that the poll should be continuous and no action required to be taken after the close of the poll should be taken before 3.30 P.M. even though all the votes might have been polled before that time. The poll at a polling station could, however, be adjourning by the Presiding Officer if, for reasons beyond his control, the poll could not be taken as scheduled ; fortunately, there was no need to do so at any polling station.

Visits to the poll and comment of visitors.

23. Admission to the polling station is governed by section 30 of the Presidential Election Act, 1964. No body other than the election or polling agents of candidates and persons on duty in connection with the poll were to be allowed entry within the polling station ; unless their presence was required for the maintenance of law and order. The only persons who were

generally permitted by the Commission to watch the proceedings were the Chief Election Commissioner, the two Members, Secretary, Election Commission, the Regional Election Commissioners and a few specified officers of the Commission. Foreign, as well as local, press representatives were specifically permitted to watch the poll proceedings. Of the foreign pressmen, the Member, Election Commission and the Regional Election Commissioner, Lahore took a representative of the B.B.C. round to a number of polling stations in Lahore and Sheikhupura districts. The entire process at each polling station was closely watched. The Department of Films and Publications was permitted to make short films of the proceedings, by previous arrangement, at a few polling stations. No one was, however, permitted inside the screened off compartments where the Electors marked the ballot papers. Wherever the Chief Election Commissioner, the Members and officials of the Commission and the Press representatives went, the polling agents expressed their satisfaction at the arrangements—especially with regard to the maintenance of secrecy of the ballot—. Their unanimous comment was that both the procedure and the actual conduct of the poll were beyond criticism.

Identity Cards.

24. The Presidential Election Rules, 1964 provide for the issue of an identity card to each Elector. These cards were issued by the District authorities sufficiently in advance of the poll. The mere fact that a person produced an identity card was, however, only *prima facie* proof of his being the Elector described on the card. In case an Elector's identity was challenged inspite of the production of an identity card, the Presiding Officer satisfied himself about the Elector's identity by other means before giving him a ballot paper. In case the identity of a particular Elector was challenged, the Presiding Officer was asked to keep a record of the challenge and of his decision thereon.

25. It would be possible for an Elector to lose his identity card. The card might be mislaid or taken away by an unauthorised person. Possibly the card might not have been issued to the Elector—specially if he was elected immediately before the date of Presidential poll—. In such cases the Presiding Officer was required to hold a summary enquiry and satisfy himself about the Elector's identity before giving him a ballot paper.

26. It was not found possible, however, to insist on the production of photographs attached to identity cards due to lack of time and as the provision would have involved a big

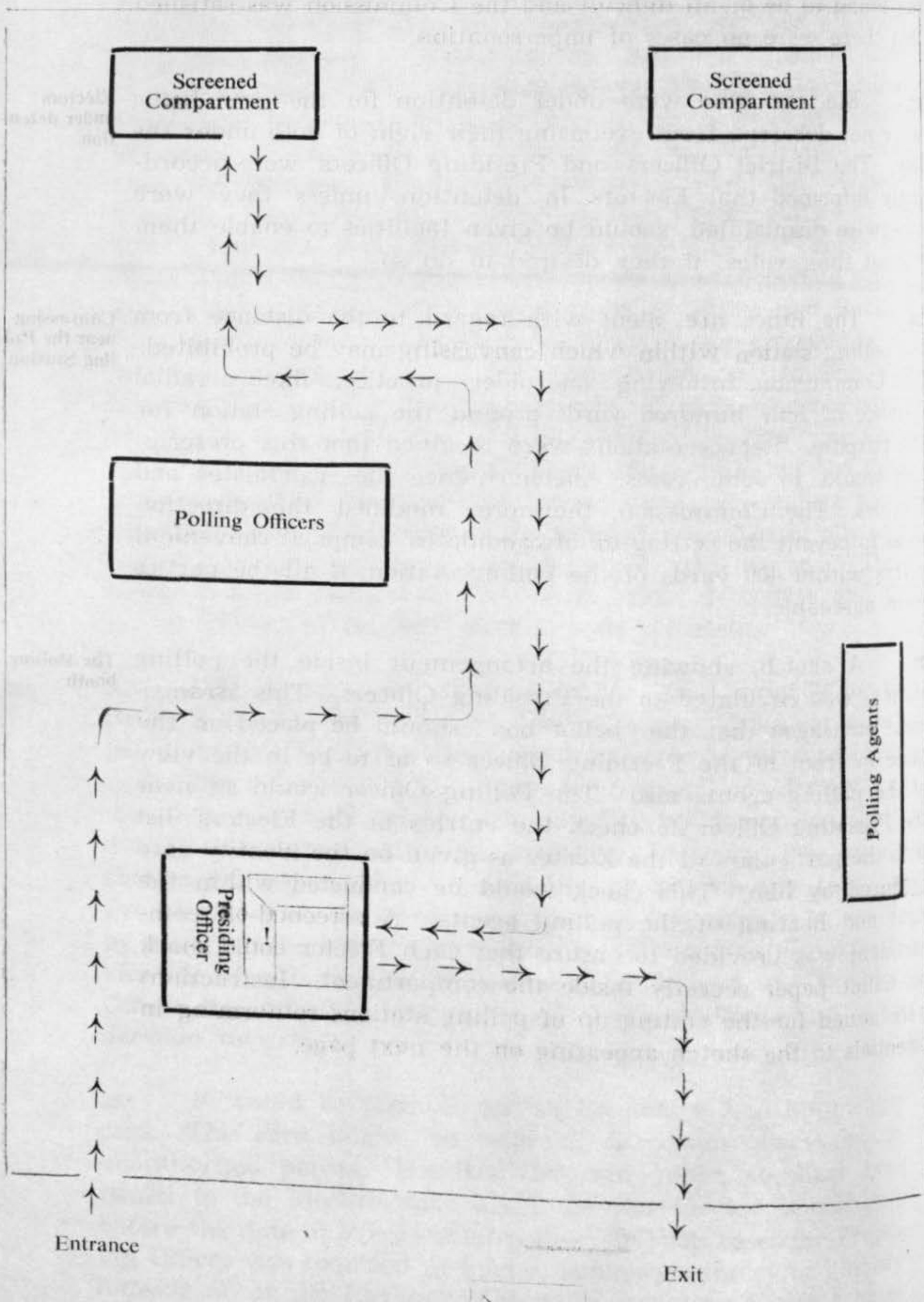
operation. Ultimately, the proper identification of Electors was not found to be at all difficult and the Commission was satisfied that there were no cases of impersonation.

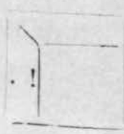
27. Electors who were under detention for the time being were not debarred from exercising their right of vote under the law. The District Officers, and Presiding Officers were accordingly informed that Electors in detention, unless they were otherwise disqualified, should be given facilities to enable them to cast their votes, if they desired to do so. **Electors under detention.**

28. The Rules are silent with regard to the distance from the polling station within which canvassing may be prohibited. The Commission, following an older practice, fixed a radial distance of four hundred yards around the polling station for the purpose. Representations were received that this prescription would, in some cases, inconvenience the candidates and Electors. The Commission, therefore, modified the direction so as to permit the setting up of candidates' camps at convenient places within 400 yards of the polling station, if all the parties were agreeable. **Canvassing near the Polling Station.**

29. A sketch, showing the arrangement inside the polling station, was circulated to the Presiding Officers. This arrangement envisaged that the ballot box should be placed on the table in front of the Presiding Officer so as to be in the view of the polling agents also. The Polling Officer would sit near the Presiding Officer to check the entries in the Electors' list with the particulars of the Elector as given on the identity card produced by him. This check would be conducted within the sight and hearing of the polling agents. A screened-off compartment was provided to ensure that each Elector could mark his ballot paper secretly inside the compartment. Instructions were issued for the setting up of polling stations conforming in essentials to the sketch appearing on the next page. **The Polling booth.**

Sketch for Polling Booth



Ballot Box shown as 

There may be one or more screened compartments.

Instructions were also issued to ensure that no one was allowed to be near the Elector when he was marking the ballot paper and, therefore, only one Elector at a time was to be allowed within the screened off compartment. No one was to ask an Elector abcut his choice before or after he cast his vote. The assistance of a companion could be asked for and allowed where the Elector was totally blind or suffered from such physical infirmity as prevented him from marking the ballot paper. These measures ensured complete secrecy of the vote.

30. Immediately before the commencement of the poll, the Presiding Officer showed the empty ballot box to such of the polling agents as were present and then closed and sealed the ballot box and kept it on his table in the 'ballotting' position. If one box became full, it was sealed. Then another box was brought in use in the same way as the first. The sealed box was also kept within the view of the Presidisg Officer and the polling agents. The Presiding Officer received, through the District Officer, a sealed packet containing the ballot papers meant for use at the polling station, the official mark with which the back of each ballot paper had to be stamped and the copying pencil which alone could be used by the Electors for marking the ballot paper. The Presiding Officer had instructions to send the acknowledgement receipt mentioning the code on the stamp and the number of the ballot papers received by him. Copies of the receipt could be given to the polling agents, if asked for. **The poll.**

31. Separate candidate-wise queues were not allowed to be formed at the polling stations. However, at some of the polling stations it was seen that Electors had come with party badges pinned to their clothing.

32. As soon as an Elector entered, he was asked his name and other particulars to verify that he was a person registered in the Electors' list as voter. His identity card established his identity further and, if the polling agents did not challenge his identity, the Presiding Officer issued a ballot paper to him after affixing the official mark on the back of the paper, initialling and dating it. The Elector's signature, or thumb impression, was obtained by the Presiding Officer on the counterfoil of the ballot paper. The Electors' list was marked to indicate that the Elector concerned had been given a ballot paper. The Elector then proceeded to the screened-off compartment to mark his ballot paper, in favour of the candidate of his choice, with the

pencil provided within the screened-off compartment. The pencils were safely secured so that they could not be removed from the booth. The use of any other marking aid was prohibited so that it should not be possible to identify the Elector by looking at the mark on any ballot paper at the time of count. A specimen of the cross mark, showing the intersection of two lines at a point, against the symbol of the candidate was exhibited at each polling station to show the Electors the correct method of marking a ballot paper. This procedure was also explained by the Presiding Officer to the Electors. If a ballot paper was spoilt through inadvertence and this inadvertence was proved to the satisfaction of the Presiding Officer, he cancelled the spoilt ballot paper and issued a fresh one to the Elector. The Presiding Officer ensured that the Elector put his marked ballot paper, properly folded, into the ballot box in view of the polling agents. The paper was folded in such a way that no one was able to see the mark on the inside of the ballot paper but the marking at the back could be seen and checked.

33. At most of the polling stations the casting of votes was completed long before the closing hour. The Presiding Officers, immediately after the close of the poll, proceeded to count the valid votes cast in favour of each contesting candidate. They declared those votes as invalid, which bore—

(i) no official mark or initials of the Presiding Officer;

(ii) any mark by which the Elector could be identified;

(iii) no prescribed mark indicating the contesting candidate for whom the vote had been given ; or

(iv) any mark from which it was not clear for whom the vote had been cast.

34. The valid votes cast in favour of each contesting candidate were put in separate sealed packets. All the invalid ballot papers were sealed in a separate packet. These packets were then put in a principal packet and sent along with other documents to the Commission through special messengers. The sealed bags from East Pakistan, containing these documents, were delivered to the Regional Election Commissioner, Dacca and were brought by him personally to Rawalpindi for the consolidation of results. The Presiding Officers prepared the statements of the results of the count and sent copies thereof direct to the Commission, and to the Regional Election Commissioner concerned, and also gave copies to the polling agents.

Each Presiding Officer prepared the statements of the ballot paper account showing—

(a) the number of ballot papers entrusted to him ;

(b) the number of ballot papers taken out of the ballot box and counted ; and

(c) the number of unissued ballot papers and spoilt ballot papers.

These statements were also enclosed in the sealed bags sent to the Commission.

Maintenance of Law and Order.

35. The responsibility for the maintenance of law and order lies with the administration. The Commission had, therefore, asked the District authorities to remain particularly alert at the time of the poll. A request was received from the East Pakistan Government for funds to enable them to embody special police to help maintain law and order. That Government was informed that, maintenance of law and order being their responsibility, the Commission could not incur any expenditure on arrangements made by the Provincial Government for the purpose. Ultimately, the special police was not embodied and law and order was maintained in the districts with the help of the existing police force. The day of the poll passed off peacefully and no untoward incident took place at any of the polling stations.

Order at the Polling Stations.

36. The maintenance of law and order at the polling station was the direct responsibility of the Presiding Officer. For this purpose he could call upon such officials as might be available at the polling station and it was the duty of such officials to act in his aid. The Presiding Officer had the authority to order removal of any person from the polling station for misconduct or for failure to obey any lawful order. He was, however, cautioned to ensure that such an order should not operate to deprive an Elector of his right of vote.

37. The local administration were expected to maintain law and order outside the precincts of the polling station. Police officials were not, however, allowed to be present in or near the polling booth.

Prompt action taken when irregularities reported.

38. A few complaints were received by the Commission on the polling day relating to the violation of instructions regarding secrecy of ballot. Some of these complaints stated that a large number of Electors had not marked the ballot papers themselves and that the Presiding Officers did so on their behalf. In other cases complaints were made that the ballot papers duly marked by them were shown by some Electors to the Presiding Officers and other persons present at the polling stations. On

enquiry, it was found that one of the Presiding Officers did mark a few ballot papers of physically infirm or incapacitated Electors at their request; this action was in accordance with the provisions of law. The Presiding Officers were, however, advised to act judiciously and not convey an impression of keenness on their part to mark a ballot paper. At some polling stations, an attempt was made by some Electors to show the marked ballot papers to persons present in the polling stations but this practice was discouraged by the Presiding Officers. Barring these few incidents, no other major irregularity came to notice.

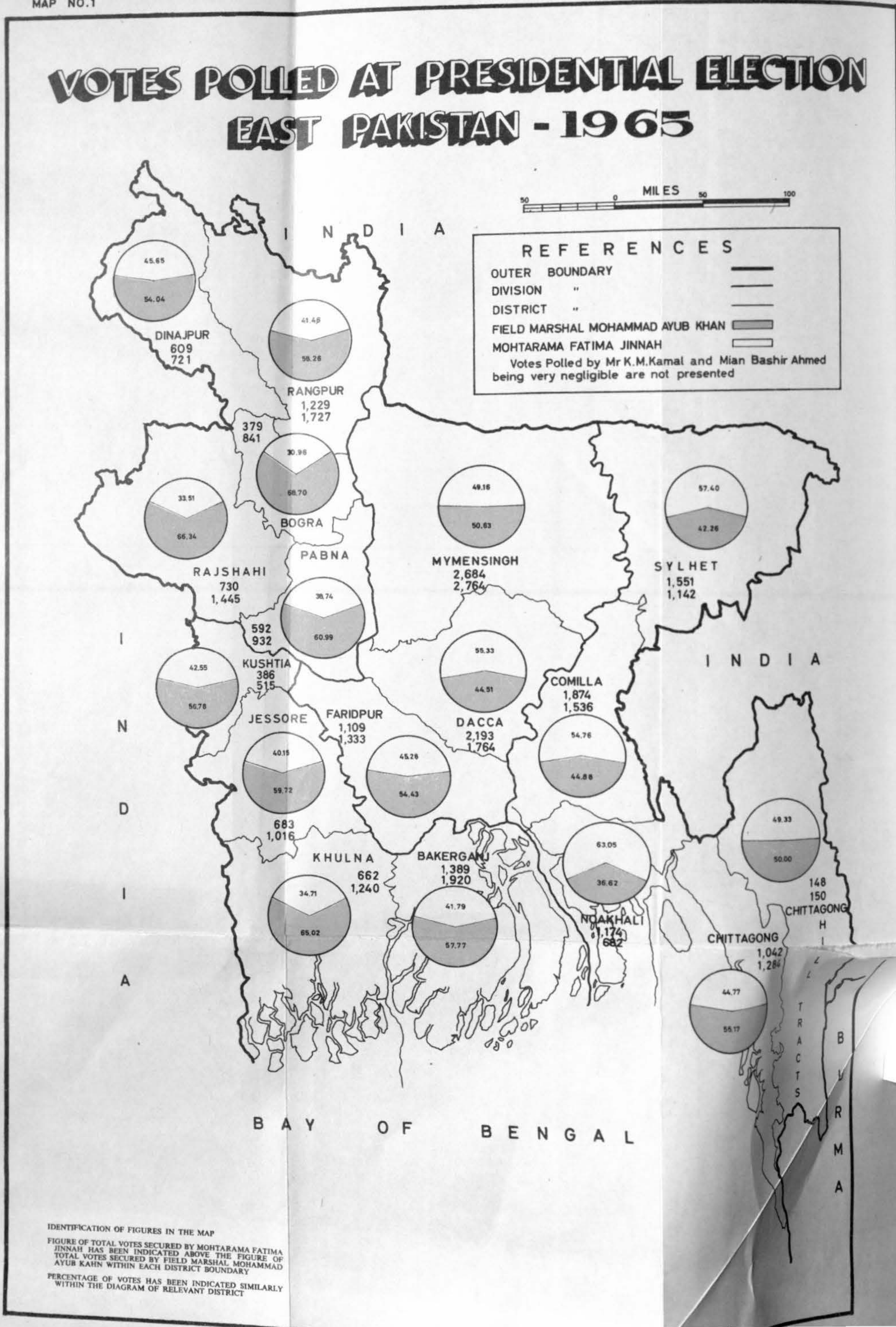
Communication of Results.

39. The Commission had made previous arrangements with the District Officers for the communication of results to the Commission, and for clear line telephone and telegraph facilities which made quick transmission of results possible. Presiding Officers of a district telephoned the results to their District Officer who conveyed the polling-station-wise results to the Commission. The results of the four Northern Divisions *viz.* D. I. Khan, Peshawar, Rawalpindi and Sargodha were communicated direct to the Commission at Rawalpindi, by telephone. The results from Lahore, Multan and Bahawalpur Divisions were obtained over the telephone by the Regional Election Commissioner, Lahore and the results in respect of the remaining five Divisions of West Pakistan were communicated to the Deputy Regional Election Commissioner, Karachi. The Regional Election Commissioner, Lahore and the Deputy Regional Election Commissioner, Karachi, conveyed the results obtained by them to the Commission at Rawalpindi over the telephone. The results from East Pakistan districts were obtained over the telephone by the Regional Election Commissioner, Dacca and similarly conveyed to the Commission. The District Officers who telephoned the results had been given a code word which they had to quote before passing on the results to the Commission. This code was intended as a safe-guard against any unauthorised calls. The Commission's office at Rawalpindi made arrangements for the issue of half-hourly bulletins, for the information of Radio Pakistan and the Press, giving the latest results. The results conveyed over the telephone were also confirmed telegraphically by the District Officers. Credit goes to the Telegraph and Telephone authorities who showed great expedition and promptness in conveying these results. The Commission was in possession of almost complete results by 10.00 P.M. on the polling day.

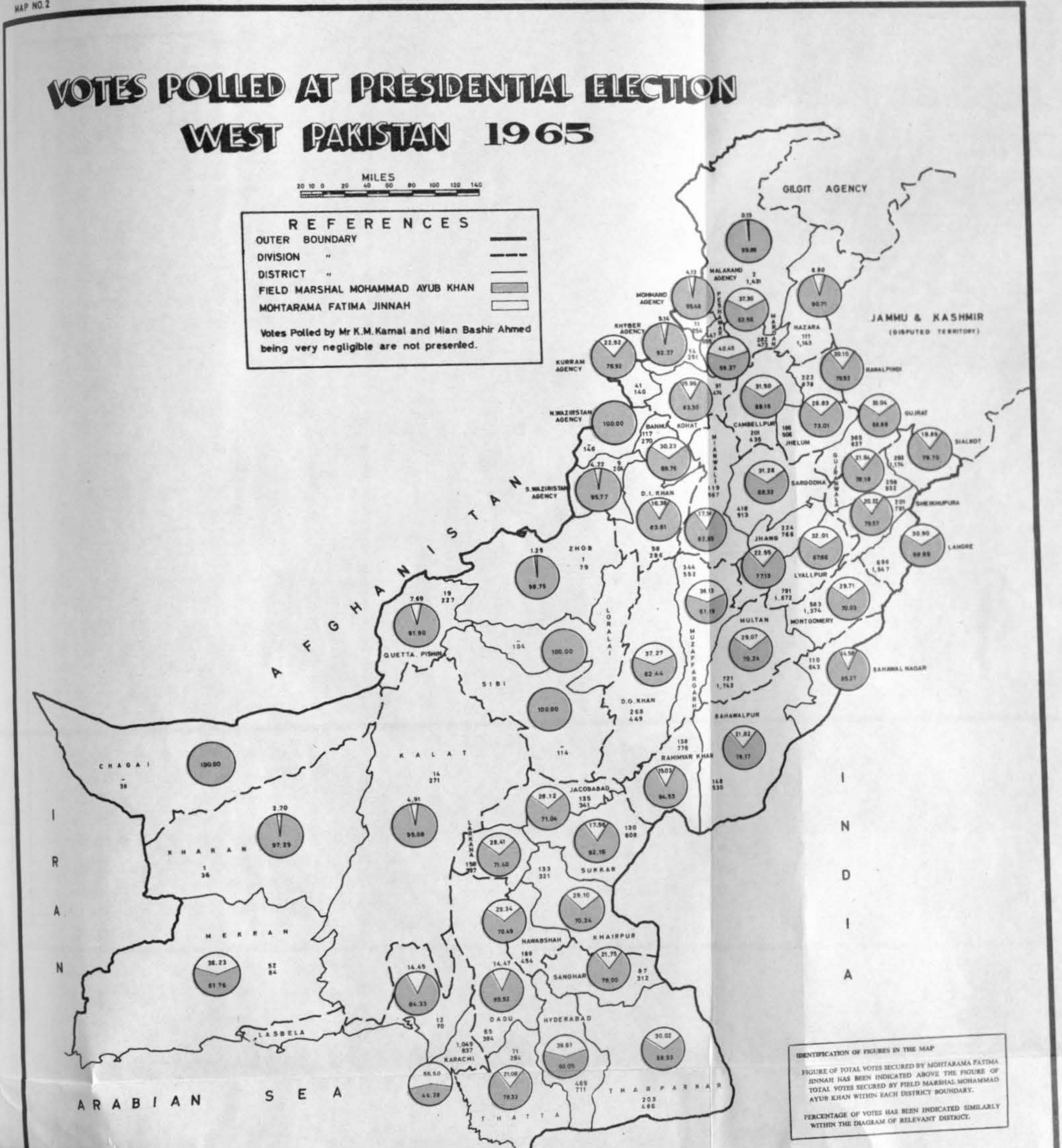
Chief Election Commissioner's announcement.

40. When, according to the information received at the office of the Commission, the successful candidate had won an absolute majority, the Chief Election Commissioner thought it expedient to announce to the nation the preliminary count of the

MAP NO.1


VOTES POLLED AT PRESIDENTIAL ELECTION
EAST PAKISTAN - 1965
MILES
50
0
50
100
REFERENCES
OUTER BOUNDARY
DIVISION "
DISTRICT "
FIELD MARSHAL MOHAMMAD AYUB KHAN
MOHTARAMA FATIMA JINNAH
Votes Polled by Mr K.M.Kamal and Mian Bashir Ahmed being very negligible are not presented
INDIA
45.65
54.04
DINAJPUR
609
721
41.46
58.26
RANGPUR
1,229
1,727
379
841
30.96
68.70
BOGRA
33.51
66.34
RAJSHAHI
730
1,445
PABNA
38.74
60.99
592
932
49.16
50.63
MYMENSINGH
2,684
2,764
57.40
42.26
SYLHET
1,551
1,142
INDIA
42.55
56.78
KUSHTIA
386
515
JESSORE
40.15
59.72
683
1,016
FARIDPUR
1,109
1,333
45.26
54.43
55.33
44.51
DACCA
2,193
1,764
COMILLA
1,874
1,536
54.76
44.88
KHULNA
662
1,240
34.71
65.02
BAKERGANJ
1,389
1,920
41.79
57.77
63.05
36.62
NOAKHALI
1,174
682
49.33
50.00
148
150
CHITTAGONG HILL TRACTS
CHITTAGONG
1,042
1,284
44.77
55.17
INDIA
BURMA
BAY OF BENGAL
IDENTIFICATION OF FIGURES IN THE MAP
FIGURE OF TOTAL VOTES SECURED BY MOHTARAMA FATIMA JINNAH HAS BEEN INDICATED ABOVE THE FIGURE OF TOTAL VOTES SECURED BY FIELD MARSHAL MOHAMMAD AYUB KAHN WITHIN EACH DISTRICT BOUNDARY
PERCENTAGE OF VOTES HAS BEEN INDICATED SIMILARLY WITHIN THE DIAGRAM OF RELEVANT DISTRICT

MAP NO. 2


VOTES POLLED AT PRESIDENTIAL ELECTION
WEST PAKISTAN 1965
MILES
REFERENCES
OUTER BOUNDARY
DIVISION "
DISTRICT "
FIELD MARSHAL MOHAMMAD AYUB KHAN
MOHTARAMA FATIMA JINNAH
Votes Polled by Mr K.M.Kamal and Mian Bashir Ahmed being very negligible are not presented.
GILGIT AGENCY
JAMMU & KASHMIR
(DISPUTED TERRITORY)
MALAKAND AGENCY
MOHMAND AGENCY
KHYBER AGENCY
KURRAM AGENCY
HAZARA
RAWALPINDI
N.WAZIRSTAN AGENCY
KOHAT
CAMBELLPUR
JHELUM
GUJRAT
SIALKOT
S.WAZIRISTAN AGENCY
D.I. KHAN
SARGODHA
SHEIKHUPURA
JHANG
LAHORE
LYALLPUR
MONTGOMERY
MULTAN
BAHAWAL NAGAR
ZHOB
LORALAI
QUETTA. PISHIN
SIBI
D.G. KHAN
MUZAFFARGARH
BAHAWALPUR
RAHIMYAR KHAN
AFGHANISTAN
CHAGAI
KALAT
KHARAN
JACOBABAD
SUKKAR
LARKANA
KHAIRPUR
NAWABSHAH
SANGHAR
MEKRAN
IRAN
INDIA
DADU
HYDERABAD
LASBELA
KARACHI
THATTA
THARPARKAR
ARABIAN SEA
IDENTIFICATION OF FIGURES IN THE MAP
FIGURE OF TOTAL VOTES SECURED BY MOHTARAMA FATIMA JINNAH HAS BEEN INDICATED ABOVE THE FIGURE OF TOTAL VOTES SECURED BY FIELD MARSHAL MOHAMMAD AYUB KHAN WITHIN EACH DISTRICT BOUNDARY.
PERCENTAGE OF VOTES HAS BEEN INDICATED SIMILARLY WITHIN THE DIAGRAM OF RELEVANT DISTRICT.

election. This was considered necessary in view of the tension that had prevailed throughout the day and had reached a high point by that time.

41. The Commission fixed the 7th January, 1965 as the date for official consolidation of results. The candidates and their election agents were informed of the time and date at which the results were to be consolidated. It was decided by the Commission that consolidation would ordinarily mean recount of votes to see that the ballot papers declared invalid by the Presiding Officers had been correctly assessed. The Commission Secretariat prepared a consolidated statement of the result of the counts on the basis of statements furnished by the Presiding Officers. This statement was prepared province-wise and showed the result at each polling station besides giving aggregates for each District. The preparation of this statement was deemed necessary so that the Commission could correct the entries therein as a result of the recount. **Consolidation of Results.**

42. The election agents of Field Marshal Mohammad Ayub Khan and Mr. K. M. Kamal, only attended the meeting of the Commission held for the consolidation of results of the count, although all the candidates and their election agents had been invited, by notice in writing, to participate in these proceedings.

43. In view of the absolute majority of votes obtained by Field Marshal Mohammad Ayub Khan, the election agents present expressed the view that there was no need for an actual count and that the results obtained by the Commission from the Presiding Officers should be deemed as final. This suggestion was accepted by the Commission. A return of election (Appendix 'S'), showing the province-wise number of valid votes secured by each contesting candidate, the number of votes reckoned as invalid and the percentage of votes secured by each contesting candidates was then signed by the Returning Officer and submitted to the Commission. The Commission then declared Field Marshal Mohammad Ayub Khan who had secured 63.31% of the total votes as against 36.36% secured by his closest rival namely, Mohtarama Fatima Jinnah, as having been returned to the office of the President of the Islamic Republic of Pakistan. An intimation was conveyed to the President's Secretariat as required under the law. The result was also published in the official gazette on the same day. Complete results, polling station-wise, appear at Appendix 'T'. The district-wise result of the election is also presented graphically in map Nos. 1 and 2. **Declaration of results.**

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CHAPTER XV

FINANCIAL ARRANGEMENTS

Full cooperation by the Finance Ministry.

The entire expenditure on Presidential election was to be borne by the Central Government. A sum of Rs. 4,94,000 was allocated for this purpose at the beginning of the financial year. There was no difficulty in operating upon the budget, as the officials of the Ministry of Finance, and specially Mr. S. B. Awan, C.S.P., the Financial Adviser attached to the Commission, extended their prompt and active cooperation to facilitate issue of financial sanctions.

Main items of expenditure.

2. The main items of expenditure in connection with the Presidential election were as mentioned below :—

(1) Section 80 of the Electoral College Act requires that the Chief Election Commissioner shall maintain, in such manner as he may think fit, a Register for each Province entering therein the names and addresses of all members of the Electoral College from that Province. He is also empowered to make, from time to time, such corrections in the Registers as might be necessary. The Provincial Election Authority of each Province prepared its Register, immediately after the completion of the Electoral College elections, in November, 1964 and from these registers 250 copies of the Electors' lists were printed tehsil-wise in West Pakistan and thana-wise in East Pakistan at a total cost of Rs. 2,63,310 (Rs. 68,765 being the expenditure on these lists in West Pakistan and Rs. 1,94,545 in East Pakistan). As has been mentioned earlier, Rs. 1,112 had to be spent on transport of printed copies of Electors' lists from Karachi to Dacca. A statement of the district-wise expenditure on printing of Electors' lists is given in Appendix 'U'.

(2) Ten projection meetings—6 in west Pakistan and 4 in East Pakistan—were convened before the Presidential poll was taken. These meetings were a Constitutional obligation. The Deputy Commissioners whose district headquarters were the venues of these meetings were allowed a sum of Rs. 10,000 each in West Pakistan and Rs. 15,000 each in East Pakistan for meeting contingent expenditure connected with arrangements at these meetings. A total sum of Rs. 1,20,000 was spent on meetings ; Rs. 60,000 being the expenditure in each wing.

(3) Section 47 of the Presidential Election Act, 1964 authorises the Central Government to make Rules in

consultation with the Commission which could, without prejudice to the generality of the foregoing powers, provide for allowances payable to the Electors for attending the projection meetings. Every Elector who attended a meeting was, under the Rules, entitled to receive a payment of five rupees ; and in case of an Elector who came to attend a meeting from a place beyond a radius of five miles from the place of the meeting, an additional allowance at the rate of fifty paisa per mile in excess of five miles was admissible. The total payment to an Elector was, in no case, to exceed twentyfive rupees. Funds were placed at the disposal of the Divisional Commissioners for meeting this expenditure. A total sum of Rs. 13,28,559 was thus paid to the members of the Electoral College. Out of this amount, a sum of Rs. 7,53,898 was paid for attending meetings in East Pakistan and a sum of Rs. 5,74,661 for attending meetings in West Pakistan. Due to the change in the places of meetings in West Pakistan, some of the Electors from Multan attended the meetings at Lahore and Multan. The Divisional Commissioners concerned were advised to avoid double payments except where called for. The district-wise payments made and the number of Electors attending each meeting is indicated in Appendix 'V'.

(4) A sum of Rs. 30 per polling station was placed at the disposal of the district officers for local purchase and supply of election material and stationery to the Presiding Officers. An Additional sum of Rs. 50 per polling station was allocated to meet expenditure on telegrams, telephone calls and for the despatch through special messengers of documents pertaining to the Presidential election results. A total sum of Rs. 33,520 was thus allocated to the districts ; Rs. 16,160 being the amount of allocation to East Pakistan and Rs. 17,360 for West Pakistan. The details of allocations district-wise appear at Appendix 'W'.

(5) In East Pakistan, it was urged that construction of enclosures around the polling stations was absolutely essential as the polling sites did not have clear demarcation of the polling station precincts. A sum of Rs. 40,933 was allocated to provide for these enclosures so as to enable the Presiding Officers to demarcate exactly the precincts of the polling stations within which they were responsible for maintaining

law and order and to make all the requisite arrangements for the smooth conduct of the poll. In West Pakistan, a sum of Rs. 3,127 only was allocated for the purpose because such arrangements were, generally, not required to be made in buildings selected as sites for polling stations. The district-wise allocations made in this connection in East and West Pakistan are indicated in Appendix 'X'.

(6) In addition to the above-mentioned items the other items of expenditure in connection with the Presidential election were for (a) service postage stamps, (b) telegrams, (c) telephone, (d) conveyance allowances, (e) Late duty allowances, (f) transportation, (g) purchase of election material at the headquarters of the Commission and the Regional Offices including stationery, forms etc., (h) ballot papers, and (i) travelling allowances and cost of transport of material etc. A total sum of Rs. 1,34,292 was incurred on the items mentioned above.

Amendment of Act leads to curtailment of expenditure on election expenses.

3. But for the deletion of the provision of the Presidential Election Act, 1964 relating to the payment of a sum of Rs. 1,00,000 to each contesting candidate for meeting his election expenses, the Commission would have incurred an expenditure of 4,00,000 of rupees more.

Total Expenditure.

4. The total expenditure on Presidential election amounted to Rs. 19,79,000. This expenditure does not include the recurring expenditure on the staff of the Commission and its Regional Offices nor do these figures take into account the expenditure incurred by the Provincial Governments and district officers out of their own resources. The expenditure as compared to 1960 Presidential ballot, which amounted to Rs. 55,000 is on the high side and this increase in expenditure is due mainly to the heavy expenditure on projection meetings and the payment of T.A. and D.A. to the members of the Electoral College who attended the projection meetings. The expenditure incurred on the Presidential election has been, on the whole, very reasonable.

Receipts.

5. Approximately, a sum of Rs. 24,453 was realised on account of—

(a) Forfeiture of deposits .. .. Rs. 10,000

(b) Receipts from sale of Electors' lists. Rs. 14,453

The receipt from sale of Electoral lists in East Pakistan amounted to Rs. 9,461 and in West Pakistan to Rs. 4,992.

CHAPTER XVI

ASSISTANCE BY THE EXECUTIVE

The Constitution provides that—

"It shall be the duty of all executive authorities to assist the Commissioner and any Election Commission in the discharge of his or its functions".

2. The Commission has only a small machinery of its own, with a Secretariat at Rawalpindi and a Regional Office in each wing of the country, to ensure that directions issued by the Commission are strictly followed. The orders of the Commission are, therefore, to be carried out by the executive officers at the District and Sub-Divisional levels and it is on the assistance and cooperation of these officers that the success of the elections in the country, to a large extent, depends. The Provincial Governments were good enough to issue instructions to their officers that they should extend the utmost cooperation and assistance to the Commission and give top priority to matters pertaining to elections; and to see that the schedules laid down by the Commission were strictly adhered to. The Provincial Governments, at the suggestion of the Commission, went to the extent of withholding transfers of such officers as were entrusted with duties relating to elections so as not to dislocate election work. It was from amongst officers of the Provincial Governments that most of the Presiding Officers and polling Officers were selected for election duties. The Divisional Commissioners and the Deputy Commissioners, who were made responsible for the maintenance of law and order within their jurisdictions, were also given the general responsibility of ensuring that there was no break-down in election work at any stage due to non-availability of personnel, funds or material. It was due to the strict control exercised by the Divisional Commissioners and the District Officers that no untoward incident occurred at any place in the country during the course of this election; and that instructions issued by the Commission were strictly followed. The fact that the Provincial Government officials took a keen interest in election duties is further illustrated by the fact that clarifications were sought by them in respect of various matters of detail. Such queries were received and answered during all hours of day and night as the time available for completion of field arrangements was very limited.

3. The Government Printing Presses at Rawalpindi, Karachi, Lahore and Dacca undertook the printing work entrusted to them during the course of these elections. The volume of

work entrusted to them was very heavy and orders were placed at very short notice. Keeping in view the tight schedules within which the whole programme had to be rushed, these presses rose to the occasion and completed the work within the time allowed. Often the presses had to operate outside working hours.

4. For the despatch of the printing material to distant places in the country, the P.I.A. and the Railway Authorities gave all facilities and accepted material for despatch beyond their usual hours of work and some times only a few minutes before the departure of planes and trains.

5. The assistance and cooperation received from the Telephone and the Telegraph Departments deserve special mention. These departments also had to keep their offices open after the usual woking hours. The special arrangement made by them for the communication of results by telephones and telegrams was of great help in the issuing of half-hourly bulletins of results on the poll day.

. Radio Pakistan rendered valuable service throughout the elections by giving extensive coverage in its news bulletins to the notifications and press releases relating to the procedure and the instructions regarding the conduct of elections issued by the Commission from time to time. The planned talks, feature programmes and spot announcements put across in the general and special broadcasts were of immense value in educating the masses on the law, rules and procedure of elections. The broadcast of half-hourly results of elections was an achievement by itself.

ASSEMBLIES ELECTIONS

Law applicable to Tribal Areas.

6. Article 173A of the Constitution lays down that—

"Nothing in the Part or any other provision of the Constitution relating to elections shall apply to the Tribal Areas; but the President may, by Order, make such provision for the representation of the Tribal Areas in the Electoral College, in the National Assembly and in the Provincial Assembly of West Pakistan, as he may deem fit."

The National and Provincial Assemblies (Elections) Act, 1964 could not, therefore, apply automatically to the Tribal Areas but its applicability to these Areas was ensured by the National Assembly and the Provincial Assembly of West Pakistan (Representation of Tribal Areas) Order, 1965 (President's Order No. 2 of 1965) subject to the modifications specified in the schedule to the said Order. The salient features of the Order are explained in Appendix 'CC'.

Presidential Directions.

7. Section 92 of the Act prohibited a person in the service of Pakistan from giving any assistance calculated to further or hinder the election of a candidate; an exception was provided in favour of the President, a Minister or a Governor. As a result, some of the Ministers canvassed for their party candidates during their official tours. It was felt that this canvassing was tantamount to exerting official pressure; especially in view of the fact that the Ministers were accompanied by district officers. The President, at the request of the Chief Election Commissioner, was pleased to agree that steps should be taken to make clear the Government's intention to prevent the use of official influence in elections. Accordingly, the President issued instructions to the Ministers—both Central and Provincial—directing that during their tours to areas where an election was in progress or was about to take place, they should take care to allocate different timings to their official duties and to canvassing. They were told that while they were discharging their official duties, they could be accompanied by district officers but when they visited certain areas for canvassing, they should not be accompained by local officials, except the subordinate officials required for their protection and security.

CHAPTER XVIII

DELIMITATION OF CONSTITUENCIES

Principles of Delimitation.

The Constitution provides that—

"160. (1) The Commissioner shall, in accordance with law, from time to time, arrange the electoral units of each province into groups (which shall be known as Provincial Constituencies), so that there are one hundred and fifty Constituencies in each province and so that each Constituency is one undivided area.

161. (1) The Commissioner shall also, in accordance with law, from time to time arrange the electoral units of each province into other groups (which shall be known as Central Constituencies), so that there are seventy five such Constituencies in each province and so that each such constituency is one undivided area."

2. The Central as well as Provincial Constituencies had to be delimited afresh under the above mentioned permanent provisions with reference to the electoral units newly created under Article 155 of the Constitution.

3. As required by Article 239 of the Constitution, the territory known immediately before the 14th day of October, 1955 as the Province of the Punjab, was entitled to sixty seats in the Provincial Assembly while the rest of the Province of West Pakistan was to be allocated ninety seats, as was also done in 1962. Representation on this basis had to be given for a period of eight years after the commencement of the Constitution.

4. The Chief Election Commissioner, as early as August, 1964, decided upon the number of electoral units which, on an average, should be included in a Central and a Provincial Constituency. These were :—

(a) National Assembly seats throughout Pakistan.	1 for 533 electoral units.
(b) Provincial Assembly seats in East Pakistan.	1 for 267 electoral units.
(c) Provincial Assembly seats in the former Punjab area of West Pakistan.	1 for 358 electoral units.
(d) Provincial Assembly seats in other areas of West Pakistan.	1 for 206 electoral units.

5. As a preliminary step, before actual delimitation took place, the Chief Election Commissioner worked out the allocation of seats to the various districts as follows :—

EAST PAKISTAN

District	No. of units	Central seats allocated	Provincial seats allocated
1	2	3	4
1. Dinajpur	... 1,345	2·5	5
2. Rangpur	... 2,987	5·5	11
3. Bogra ...	... 1,238	2·5	5
4. Rajshahi ...	... 2,212	4	8
5. Pabna	... 1,541	3	6
6. Kushtia (Total units 917)	... 801	1·5	3
7. Jessore (Total units 1723)	... 1,602	3	6
8. Kushtia-*cum*-Jessore (Districts)	... 237	·5	1
9. Khulna	... 1,927	3·5	7
10. Barisal	... 3,353	6·5	13
11. Mymensingh ...	... 5,523	10·5	21
12. Dacca	... 4,009	7·5	15
13. Faridpur	... 2,501	4·5	9
14. Sylhet	... 2,746		10
15. Comilla	... 3,453	6·5	13
16. Noakhali	... 1,875	3·5	7
17. Chittagong	... 2,347	4·5	9
18. Chittagong Hill Tracts ...	... 303	·5	1

WEST PAKISTAN—CENTRAL SEATS

District	No. of units	Seats allocated
1	2	3
1. Lahore	2,313	4
2. Gujranwala	1,205	2
3. Sheikhupura	1,008	2
4. Sialkot	1,489	3
5. Campbellpur	653 }	5
6. Jhelum	699 }	
7. Gujrat	1,237 }	
8. Rawalpindi	1,123	2
9. Sargodha	1,369	3
10. Mianwali	697	1
11. Lyallpur	2,504	5

1	2	3
12. Jhang	1,006	2
13. D.G. Khan	724	1
14. Muzaffargarh	923	2
15. Multan	2,521	5
16. Montgomery	1,991	4
17. Karachi (Total units 1907) ...		
—*cum*— ...	1,992	4
18. Lasbela (Total units 85) ...		
19. Hyderabad	1,199	2
20. Dadu	453	1
21. Tharparkar	679	1
22. Sanghar	401	1
23. Thatta	338	1
24. Jacobabad	493	1
25. Sukkur	684	1
26. Khairpur-*cum*-Sukkur	546	1
27. Larkana	564	1
28. Nawabshah...	645	1
29. Bahawalpur	688	
30. Bahawalnagar	768	4
31. Rahimyarkhan	936	
32. Hazara (Total units 1292) ...		
33. Mardan (Total units 759) ...	3,484	6
34. Malakand Agency (Total units 1433)		
35. Peshawar	1,132	2
36. Kohat	586	1
37. Mohmand Agency ...	274	
38. Kurram Agency	187	1
39. Khyber Agency	281	
40. D.I. Khan	357	1
41. Bannu	399	1
42. North Waziristan Agency (Total units 149)	369	1
43. South Waziristan Agency (Total units 220)		
44. Quetta-Pishin (Total units 249) ...		
45. Sibi („ „ 115) ...		
46. Loralai ... („ „ 104) ...	588	1
47. Zhob ... („ „ 82) ...		
48. Chagai ... („ „ 38) ...		
49. Kalat ... („ „ 318) ...		
50. Mekran ... („ „ 140) ...	495	1
51. Kharan ... („ „ 37) ...		

PROVINCIAL ASSEMBLY SEATS—WEST PAKISTAN (OLD PUNJAB)

District	No. of units	No. of Provincial Seats allocated
1	2	3
1. Campbellpur	653	2
2. Jhelum	699	2
3. Rawalpindi	1,123	3
4. Gujrat	1,287	3
5. Sargodha	1,369	4
6. Mianwali	697	2
7. Lyallpur	2,504	7
8. Jhang	1,006	3
9. Lahore ... ... (Total units 2,313)	2,148	6
10. Gujranwala District ... (Total units 1,205)	1,074	3
11. Lahore-*cum*-Gujranwala ...	296	1
12. Sheikhupura	1,008	3
13. Sialkot	1,489	4
14. D. G. Khan	724	2
15. Muzaffargarh	923	
16. Multan	2,521	15
17. Montgomery	1,991	

PROVINCIAL ASSEMBLY SEATS—WEST PAKISTAN (OTHER THAN OLD PUNJAB)

1	2	3
18. Hazara	1,292	6
19. Mardan	759	4
20. Peshawar	1,132	5
21. Kohat	586	3

1	2	3
22. Malakand Agency ...	1,433	7
23. Kurram	187	1
24. Mohmand	274	1
25. Khyber	281	1
26. D.I. Khan	357	2
27. Bannu	399	2
28. North Waziristan Agency	149	1
29. South Waziristan Agency	220	1
30. Bahawalpur (Total units 688)	618	3
31. Bahawalnagar	768	4
32. Rahimyarkhan (Total units 936) ...	824	4
33. Bahawalpur-*cum*-Rahimyarkhan	182	1
34. Jacobabad	493	2
35. Sukkur	764	4
36. Khairpur	466	2
37. Larkana	564	3
38. Nawabshah	645	3
39. Hyderabad	1,199	6
40. Dadu	453	2
41. Tharparkar	679	3
42. Sanghar	401	2
43. Thatta	338	2
44. Karachi	1,907	9
45. Lasbela	85	1
46. Quetta Pishin	249	QUETTA-*CUM* KALAT DIVISIONS 5
47. Sibi	115	
48. Chagai	38	
49. Zhob	82	
50. Loralai	104	
51. Kalat	318	
52. Kharan	37	
53. Mekran	140	

6. The actual allocations were made in accordance with the following principles :—

(a) The entitlement of seats for each district, for the National and Provincial Assemblies, was worked out on the basis set out in paragraph 4 above.

(b) In calculating this allotment, .5 or above was considered as entitlement to a seat, while less than 5 was generally ignored.

(c) In cases where the fraction was near the margin of .5, that is to say, between 4 and 6, adjustments were made ; the excess units in such cases being combined with the units of an adjoining deficiency district.

(d) In the case of sparsely populated areas—as in Kalat Division—it was considered necessary to combine a number of districts to form one Constituency.

7. In East Pakistan, allocations were made on the basis of Provincial seats ; each district was allocated a whole number of Provincial seats on the basis of its entitlement. The only two districts which were combined for purposes of a Provincial seat were Kushtia and Jessore. Kushtia district got three seats and Jessore six. Parts of these two districts were combined to give them the tenth seat.

8. The Central Constituencies in East Pakistan were formed by combining two adjacent Provincial Constituencies into one Central Constituency. As far as possible, the district and divisional boundaries were respected while grouping two Provincial Constituencies into one Central Constituency.

9. After the required allocations were made, the delimitation of individual Constituencies posed a problem of judicious balancing of a variety of rival considerations discussed in the following paragraphs.

10. Section 3 of the National and Provincial Assemblies (Elections) Act, 1964 required that the Chief Election Commissioner should frame his preliminary proposals, as soon as may be after the delimitation of electoral units under the Electoral College Act, 1964, and after making such enquiries and examining such records as he deemed necessary. He was also to take into account such representations as were received by him before arranging the electoral units into the prescribed number of groups and to have regard, as far as practicable, to distribution of population and to administrative convenience. Before the preliminary proposals for delimitation of Constituencies were formulated for publication, suggestions were invited from the public to help in the formulation of these proposals. These suggestions were required to reach the Chief

Election Commissioner before the 31st of August, 1964. It was, however, emphasised that—

(i) need for contiguity,

(ii) approximate equality of number of electoral units,

(iii) compactness,

(iv) homogeneity, and

(v) facility of communication and administrative convenience

should be borne in mind while making suggestions, as these were the factors which would serve as guiding principles in finalising the delimitation.

11. The Chief Election Commissioner decided that for securing administrative convenience, boundaries of administrative units should, as far as possible, be respected. Therefore, the Divisions in East and West Pakistan were allotted whole numbers of seats. An attempt was made, as far as possible, to keep the thanas in East Pakistan, and tehsils in West Pakistan, unbroken. They were, of course, split up wherever more than one seat could reasonably be allotted to a thana or a tehsil or where, but for the splitting up of that unit, the resultant disparity would have been, beyond reasonable limits. Wherever a tehsil had to be split up in West Pakistan, the parts were, as far as possible, so demarcated as to contain whole police station areas.

12. In East Pakistan, the problem was comparatively simple. Without departing significantly from the average allocation of units per seat, Constituencies were formed from one complete thana or a combination of complete thanas. But in doing so, in some cases, contiguous parts of two districts belonging to two different Divisions had to be combined to form one Central Constituency and, similarly, in a few, cases contiguous parts of the districts of the same Division had to be combined to form a Central or Provincial Constituency. No Thana except one was split up in forming a Constituency.

13. The problem in West Pakistan was much more complex, especially in the old Punjab and the Frontier areas. This was partly due to the different standards applicable to the different regions under the Constitutional provisions.

14. The Tribal areas, which have their own peculiar problems, consist mostly of Swat, Dir, Chitral, Bajore, North Waziristan, South Waziristan, Khyber, Mohmand, Kurram and a few other tribal pockets attached to settled districts. Tribal

affinities, geographical situation and communications had to be thoroughly studied before Constituencies could be carved out. The Agencies were given at least a seat each in the Provincial Assembly but there was no choice but to combine them for Central seats. Doubts were expressed whether, under the Constitution, tribal territory could be combined with settled territory for the formation of a Central or Provincial Constituency. The law, however, made it clear that it was possible to do so.

Delimitation Proposals.

15. The proposals containing suggestions and objections were to be addressed to the Chairman of the Provincial Election Authorities of the two wings who, along with the Regional Election Commissioners, were closely associated with the task of framing the original proposals. This was done for the sake of public convenience. By the time the first drafts were prepared on the basis of facts and figures available with the Commission, suggestions from the Divisional Commissioners and the proposals from the public, the Chief Election Commissioner was taken seriously ill and the consideration of the proposals by him had to be deferred for some time.

16. One hundred thirty five representations were received from West Pakistan and 146 from East Pakistan as a result of public notice issued in this regard on the 15th August, 1964. The suggestions, in fact, continued to pour in right up to the time the preliminary proposals were published. The detailed proposals containing the preliminary list of Constituencies showing the electoral units proposed to be included in each Constituency were ultimately published on 8th January, 1965 in respect of West Pakistan and those in respect of East Pakistan were published in the *Gazette of Pakistan, Extraordinary,* dated 10th January, 1965. Time was allowed for the filing of suggestions and objections up to the 16th January, 1965 in respect of West Pakistan and up to 18th January, 1965 in respect of East Pakistan. The preliminary proposals published under the authority of the Chief Election Commissioner are contained in Appendix 'DD'.

17. Within the time fixed for the receipt of objections and suggestions, 154 representations were received from East Pakistan and 608 from West Pakistan. The suggestions|objections preferred in respect of East Pakistan related to 109 Provincial Constituencies and 53 Central Constituencies and in respect of West Pakistan to 111 Provincial Constituencies and 58 Central Constituencies. The Government amended the law [section 3(2)] so as to enable the Chief Election Commissioner to authorise a Member of the Commission to perform his functions relating to hearing of objections and suggestions.

18. The hearing started in the west wing on the 28th January, 1965. Some of the objections and suggestions were heard by the Chief Election Commissioner and the others by the Member, Mr. Justice Mohammad Iqbal, at Rawalpindi, Lahore, Multan and Karachi. The objections and suggestions relating to the Provincial and Central Constituencies of East Pakistan were heard by the Member, Mr. Justice M. R. Khan, at Dacca except for those of Dacca Division, the hearings in respect of which were conducted by the Chief Election Commissioner himself. The complete schedule of hearings by the Chief Election Commissioner and Members is given below :—

WEST PAKISTAN

Persons who heard the objections	Place of hearing	Date of hearing	Area relating to which objections heard
1	2	3	4
Chief Election Commissioner.	Rawalpindi	28-1-65	Central and Provincial Constituencies Peshawar, D. I. Khan and Rawalpindi Divisions.
Member, Election Commission.	Lyallpur	30-1-65	Central Constituencies Sargodha Division.
Do.	Lahore	31-1-65	Central Constituencies Lahore, Multan and Bahawalpur Divisions.
Do.	Karachi	1-2-65	Central Constituencies Karachi, Hyderabad, Khairpur, Quetta and Kalat Divisions.
Chief Election Commissioner.	Lahore	4-2-65	Provincial Constituencies Lahore Division.
Do.	Do.	12-2-65	Provincial Constituencies Rawalpindi Division.
Do.	Do.	17-2-65	Provincial Constituencies Sargodha Division.
Do.	Multan	19-2-65	Provincial Constituencies Multan and Bahawalpur Divisions.
Do.	Karachi	23-2-65	Provincial Constituencies Karachi and Khairpur Divisions.
Do.	Do.	24-2-65	Provincial Constituencies Quetta, Kalat and Hyderabad Divisions except Tharparkar district.

1	2	3	4
Chief Election Commissioner.	Lahore	30-3-65	Provincial Constituencies Tharparkar district of Hyderabad Division.
		EAST PAKISTAN	
Chief Election Commissioner.	Dacca	31-1-65	Central and Provincial Constituencies Dacca Division.
Member, Election Commission.	Do.	30-1-65	Central and Provincial Constituencies Chittagong and Rajshahi Divisions.
Do.	Do.	31-1-65	Central and Provincial Constituencies Khulna Division.

Final Delimitation.

19. Delimitation of Constituencies being a function of the Chief Election Commissioner, final orders were, in every case, passed by him.

20. The final list of constituencies, both Central and Provincial, pertaining to East Pakistan and the final list of Central Constituencies in respect of West Pakistan were published in the *Gazette of Pakistan, Extraordinary*, dated the 7th February, 1965 *vide* Chief Election Commissioner's Notification No. F. 3(22)|64-Els., and No. F. 3(3)|65-Els., dated the 7th February, 1965. The final list of Provincial Constituencies for West Pakistan was notified in two instalments. The Provincial Constituencies for the entire province with the exception of Tharparkar District were notified *vide* Chief Election Commissioner's Notification No. F. 3(9)|65-Els., dated the 2nd March, 1965, whereas those relating to Tharparkar District were published in the Gazette on 30th March, 1965, *vide* Chief Election Commissioner's Notification No. F. 3(9)|65-Els., dated the 30th March, 1965, after the objections had been reheard by the Chief Election Commissioner. A complete list of Constituencies as finally delimited appears at Appendix 'EE'.

Seats reserved for women.

21. Six seats—three from each Province—are reserved exclusively for women in the National Assembly and five seats in each Provincial Assembly. Article 162(1) of the Constitution provides that for purposes of the election of the Members to the seats in the Provincial Assembly, reserved exclusively for women, the Commissioner shall, in accordance with law, from time to time, divide each Province into five zones. Also, for purposes of elections to the seats in the National Assembly, reserved exclusively for women, the Commissioner shall, in

accordance with law, from time to time divide each province into 3 zones [Article 162 (2)]. Section 4 of the National and Provincial Assemblies (Elections) Act, 1964 prescribes that these zones be delimited by the Chief Election Commissioner after the Central and the Provincial Constituencies of each Province have been delimited.

22. The law prescribes that each zone shall consist of an equal number of contiguous Provincial Constituencies in the case of zones to be formed under clause (1) of Article 162 and of an equal number of contiguous Central Constituencies in the case of zones formed under clause (2) of Article 162. The preliminary proposals showing the Constituencies included in each proposed zone were published in the *Gazette of Pakistan, Extraordinary*, of April 9, 1965 *vide* Chief Election Commissioner's Notification No. F. 1 (3) 65-Els, dated the 9th April, 1965. Objections and suggestions with regard to the creation of these zones were invited so as to reach the Regional Election Commissioners before the 16th April, 1965. Only one suggestion was received from West Pakistan and four from East Pakistan. The Chief Election Commissioner himself heard these objections and suggestions, but, as no convincing reasons were advanced against the preliminary proposals, these very zones were adopted and the final list of zones published in the *Gazette of Pakistan, Extraordinary*, dated the 8th May, 1965 *vide* Chief Election Commissioner Notification No. F. 1 (3) |65-Els, dated the 8th May, 1965. The final list of zones appears at Appendix 'FF'.

Interest evinced by public.

23. Considerable interest was evinced in the hearings by persons from all walks of life namely, Members of the National Assembly, Members of the Provincial Assemblies, Advocates, Basic Democrats and potential candidates. They came prepared with relevant data and maps at the time of hearing and were given every opportunity of advocating their points of view. Press representatives also attended these hearings and reported the proceedings.

24. While considering objections and suggestions to the delimitation proposals, every interested person was allowed to be present at the public hearings conducted by the Chief Election Commissioner or by the Members. Free discussions followed and the parties were invited to make concrete proposals. Wherever such a suggestion was put forth, it was accepted. Similarly, wherever obvious mistakes came to light, as a result of an objection or otherwise, these were rectified in the final delimitation.

Modifications as a result of hearing.

25. As a result of these hearings, alterations and modifications were made by the Chief Election Commissioner in respect of 18 Central Constituencies and 44 Provincial Constituencies in West Pakistan. In East Pakistan, changes were made in respect of 28 Central and 45 Provincial Constituencies.

Chief Election Commissioner's Suggestions to Government.

26. During the course of delimitation of constituencies, the Chief Election Commissioner noticed that in certain cases union council boundaries cut across thana boundaries. Similarly, in certain Districts police station boundaries did not correspond with tehsil boundaries. It was, therefore, suggested to the West Pakistan Government to re-align union Councils along police station boundaries when forming the new local councils. It was further suggested that it would facilitate the work of delimitation in future as well as that of general administration, if discrepancies with regard to police station boundaries were removed and they were re-aligned in such a way as to conform to tehsil boundaries. It was also found that due to urbanisation of areas contiguous to big cities, especially in Dacca, Narayanganj, Chittagong and Khulna, some parts of adjoining thanas had been included in the Municipalties. The constituencies thus formed on the basis of these Municipalties overlapped Thana boundaries. It was accordingly suggested to both the Provincial Governments that they may consider the desirability of readjustment of administrative boundaries to remove the present discrepancies.

CHAPTER XIX

PROGRAMME

Timing.

The National Assembly and the Provincial Assemblies, which came into being as a result of elections held in 1962, were to continue (unless dissolved earlier) for a term of three years from the dates on which the first meetings of these Assemblies were held. This tenure of the Assemblies was fixed under Article 230 of the transitional and temporary provisions of the Constitution. The National Assembly, having come into being on the 8th June, 1962, its term was due to expire on 7th June, 1965 and the terms of the Provincial Assemblies of East Pakistan and West Pakistan, which came into being on the 9th June, 1962, were to expire on the 8th June, 1965. Clause (1) of Article 21 and clause (1) of Article 72 fixed the duration of term of the Assemblies as five years for all subsequent elections.

Tentative Programme.

2. The general election of the members of the National Assembly or of a Provincial Assembly had to be held within a period of 120 days immediately preceding the day on which the term of the Assembly was due to expire, and the results of the election declared not later than 14 days before that day as required under Article 168(2) of the Constitution. Keeping in view these Constitutional provisions, it was obligatory on the part of the Commission to commence the proceedings in respect of the National Assembly elections with effect from the 8th February, 1965 and those of the Provincial Assembly elections with effect from the 9th February, 1965.

3. A tentative programme, as given below, was accordingly drawn up in February, 1964 :—

1. Notification calling upon the Constituencies to elect their representatives.	...	8-2-1965
2. Nominations	...	21-2-1965
3. Withdrawals	...	15-3-1965
4. Poll	...	15-4-1965

4. Originally, the programme fixed for the Provincial Assemblies elections was the same as for elections to the National Assembly. It was then contemplated that the poll would be staggered, if considered necessary, and that the common programme could be followed for the National and Provincial seats upto the stage of withdrawals, as was done in 1962.

5. In the month of August, 1964, the tentative programme was reviewed as it was realized that the holding of the National and the Provincial elections simultaneously might involve administrative difficulties. Different dates were, therefore, set for the National Assembly and the Provincial Assemblies polls with one week's interval in between. The modified programmes were as mentioned below :

NATIONAL ASSEMBLY

Publication of Electors' lists	9-2-1965 (Tuesday)
Returning Officers (appointments) ...	10-2-1965 (Wednesday)
Notification	12-2-1965 (Friday)
Nomination	1-3-1965 Monday)
Scrutiny	2-3-1965 (Tuesday)
Withdrawal	17-3-1965 (Wednesday)
List of polling stations (Publication) ...	22-3-1965 (Monday)
Meetings ... ... between	20-3-1965 and 26-4-1965
Poll	2-5-1965 (Sunday)
Count ... ... upto	5-5-1965 (Wednesday)
Result (Declaration) on or before ...	21-5-1965 (Friday)

PROVINCIAL ASSEMBLIES

Publication of Elector's list	9-2-1965 (Tuesday)
Returning Officers (appointments) ...	10-2-1965 (Wednesday)
Notification	12-2-1965 (Friday)
Nomination	1-3-1965 (Monday)
Scrutiny	2-3-1965 (Tuesday)
Withdrawal	17-3-1965 (Wednesday)
List of polling stations (publication) ...	22-3-1965 (Monday)
Meetings ... ... between	20-3-1965 to 26-4-1965
Poll	9-5-1965 (Sunday)
Count ... ... upto	12-5-1965 (Wednesday)
Result (Declaration) orr or before ...	21-5-1965 (Friday)

Final Programme.

6. The Presidential election having been advanced as a result of the amendment of the Constitution, it was possible for the Commission to complete the polls in respect of that election by the beginning of January, 1965. The emergence of political parties, as a result of the Presidential election, also made it essential that the programming of the National Assembly and the Provincial Assemblies' elections should be reviewed in order to allow sufficient time to the political parties for selecting their party candidates and for conducting their electioneering campaigns. The Commission, therefore, decided to complete the National Assembly election before commencing the programme for the Provincial Assembly polls. This scheme, it was felt, would enable the parties to sponsor the candidature of the

persons defeated at the National Assembly elections, who might become available to contest the Provincial elections. The following programmes were, therefore, drawn up :—

NATIONAL ASSEMBLY

Notification under sections 6 and 11	8-2-1965
Nominations	16-2-1965
Scrutiny of nominations	17-2-1965
Last day for withdrawal of candidature	26-2-1965
Poll	21-3-1965
Publication of results	25-3-1965

PROVINCIAL ASSEMBLIES

Notification under sections 6 and 11	2-4-1965
Nominations	10-4-1965
Scrutiny of nominations	11-4-1965
Last day for withdrawal of candidature	19-4-1965
Poll	13-5-1965
Publication of results	20-5-1965

These programmes were strictly followed except that the polls in respect of the Provincial Assemblies were shifted from the 13th to the 16th May, 1965 in order to avoid a clash with the holy day of Ashura on the 13th May, 1965. **Changes.**

7. The cyclones and tidal bore—a calamity of immense magnitude—which afflicted East Pakistan on the eve of the Provincial Assembly polls created apprehensions that holding of the polls in the districts of Dacca, Faridpur, Khulna, Comilla and Barisal might present serious difficulties. The poll could not, however, be postponed as the Constitutional provisions necessitated the completion of the election before the 20th May so that the Notifications of final results could be issued by the 24th of May, 1965 *i.e.* at least 14 days before the expiry of the terms of the Assemblies. A few requests were received from some quarters for postponement but were not seriously pursued. The programme was, therefore, not altered and the polls were held as scheduled. The Commission feels that the polls in future in respect of these elections may, if possible, be completed by the first week of May at the latest.

CHAPTER XX

ELECTORS' LISTS

District and Sub-Division-wise lists.

As has been stated in the report on the Presidential election, 250 copies of the Electors' List in respect of each District, were printed for use at the Presidential election and elections to the National and Provincial Assemblies. These lists were printed tehsil-wise in West Pakistan and Sub-Division-wise in East Paksitan.

2. In East Pakistan, the Electors' lists were so arranged that all Electors from a particular thana were enlisted under that thana and the lists of all the thanas in a Sub-Division formed the Sub-Divisional list.

Arrangements constituency-wise.

3. In East Pakistan, the task of compilation of the constituency-wise lists was not very difficult as the thana lists, which had separate serial numbers, had only to be tagged together to form the Elector' list for a constituency—either provincial or central. This was further facilitated by the fact that only one thana was split up between two constituencies.

4. In West Pakistan, except in the former Sind Area, certain Tehsils had to be split up between constituencies because of the size of their population and other considerations. The task of compilation of lists relating to constituencies with split tehsils presented difficulties. The portions of the Tehsil Electors' lists not forming part of a constituency had to be scored out carefully so as to avoid confusion in the minds of the Electors and the candidates. The portions thus struck off were attested under the signatures and seals of the District and Sub-Divisional Officers who were made responsible for drawing up these constituency-wise lists.

Publication.

5. The Electors' list for each constituency was published in the constituency concerned by the Sub-Divisional Officers in East Pakistan and Deputy Commissioners|Political Agents in West Pakistan. This was done immediately after the issue of notification by the Commission calling upon the Electors to elect their representatives. These lists were exhibited at conspicuous places in the offices of the Sub-Divisional Officers and Deputy Commissioners|Political Agents and were open to inspection.

Maintenance.

6. The amendment in the definition of an "Elector" in relation to a constituency enabled the constituents for the seat to have their names included in the constituency electors' list if elected at any time right upto the date of the poll. The Electors' list had, therefore, to be maintained and kept up-to-date so as

not to deprive any Elector of his legitimate right of vote. Bye-elections to the electoral college to fill up vacancies caused by deaths, disqualifications, resignations and up-setting of results by the Tribunals continued to be held even after the constitution of the Electoral College of Pakistan had been notified. The results of all these bye-elections were incorporated in the lists. There were a few cases of adjourned polls also where fresh elections were held so that the Electoral College could be as complete as possible on the eve of Assemblies' elections. Notwithstanding these precautions, the possibility of the omission of an Elector's name from the Electors' list on the polling date could not be entirely ruled out. The Presiding Officers were, therefore, instructed to accept a certificate from the Returning Officer of the electoral unit concerned, or from the Regional Election Commissioner of the province testifying to the fact that a person whose name was not included in the list had been elected from a particular unit.

7. Before the polls for the National and the Provincial Assemblies were taken, a large number of election petitions had been filed against the elections of members of the Electoral College. These election petitions were filed with Divisional and Additional Divisional Commissioners but there was little chance of any considerable number being disposed of in the short time available before the polls. The number of Tribunals had, therefore, to be increased allowing Deputy Commissioners and Additional Deputy Commissioners to hear election petitions and to arrange for their speedy disposal. Apprehensions were at the same time expressed that wherever Electoral College elections were upset by the Tribunals, the seats might remain unfilled by the time the National and the Provincial Assemblies polls were due to be held. A request to the Tribunals for accelerating the pace of disposal of pending election petitions might also have been misunderstood in certain quarters. As such these election petitions were allowed to take their own course. It would be desirable in the future to allow sufficient time between the Electoral College elections and the other elections so that bye-elections to the Electoral College necessitated by the orders of the Tribunals are held before the Assemblies polls.

Supply of lists to polling stations.

8. The constituency-wise Electors' list was further divided so as to provide each polling station with a list of Electors entitled to vote at that particular station. At least two copies of each list were supplied to each polling station for use at the time of the poll. The Returning Officers verified that the names of all the persons entitled to vote at a particular polling station and none else were entered in the list.

Sale.

9. Copies of the Electors' list were offered for sale and copies or extracts therefrom were furnished on payment of fees. The price of a copy of the Electoral list for a Central constituency was fixed at ten rupees and for a Provincial Constituency at five rupees. A certified copy of an extract from the list could also be obtained on payment of two rupees per page or part thereof.

10. An aggregate sum of Rs. 13,331 was realised as the sale proceeds of the Electors' lists of which Rs. 6,546 was for Central lists and Rs. 6,785 for Provincial lists.

CHAPTER XXI

MACHINERY FOR ELECTIONS

In accordance with section 7 of the Act, the Commission had to appoint, from amongst officers of the Central Government, Provincial Governments or Local Authorities, a Returning Officer for each Constituency. The same person could be appointed as Returning Officer for two or more Constituencies. The law also empowered the Commission to appoint as many Assistant Returning Officers as necessary to assist the Returning Officer in the performance of his functions under the Act. Subject to any conditions imposed by the Commission, the Assistant Returning Officer would exercise and perform, under the control of the Returning Officer, all the powers and functions of the latter.

2. Although the Returning Officer was to perform specific functions under the Act, yet he was also generally bound to do all such acts and things as were necessary for the effective conduct of the election in accordance with the Constitution, the Act and the Rules. The main functions of a Returning Officer were to receive and scrutinize nomination papers, frame proposals for the location of polling stations, appoint personnel to man the polling stations, supply Electors' lists to the polling stations located within the Constituency, to train and guide the Presiding Officers and polling officers so as to enable them to discharge their duties efficiently and finally to conduct the count. Two booklets (one for East Pakistan and the other for West Pakistan) entitled "Duties of Returning Officers under the Act and the Rlues" (Appendix 'B') describing fully their duties and functions were printed and supplied to the Returning Officers. **Duties of Returning Officers.**

3. As the entire procedure of elections had to be hurried through, in each case, within a short period of six to seven weeks, care was taken that, as far as possible, no officer was called upon to act as a Returning Officer for more than one Constituency. Before the Constituencies were finally delimited, the Regional Election Commissioners drew up lists of Returning Officers in consultation with the Divisional Commissioners so as to ensure that the persons appointed were actually in position and were likely to remain there till the elections were over. Lists of Returning Officers and Assistant Returning Officers appointed by the Commission were published for general information in the *Gazette of Pak'stan, Extraordinary.* **Appointments.**

dated the 7th February, 1965 and 2nd April, 1965 *vide* Election Commission Notification Nos. F. 2(8)|65-Els. and No. F. 2(8)|65-Els.(E), dated the 7th February, 1965 and 2nd April, 1965, respectively (Appendix 'GG'). The Provincial Governments were requested not to transfer these officers during the elections and this request was generally complied with.

Considerations in making appointment,

4. In West Pakistan, where a Central Constituency generally comprised areas within one district, the highest officer of the district, namely the Deputy Commissioner or Additional Deputy Commissioner or Additional District Magistrate was, as far as possible, appointed as Returning Officer. Appointments were made from amongst officers of lesser status, like Sub-Divisional Magistrates and Revenue Assistants, only if the officers of higher rank were not available. Where a Constituency cut across two districts, either the Commissioner of the Division or an Additional Commissioner was appointed. In case of Provincial Assembly Constituencies, however, the number of Returning Officers being greater, the choice was made mostly from amongst Sub-Divisional Officers, Assistant Commissioners, Extra Assistant Commissioners, City Magistrates and Resident Magistrates; besides, of course, the officers of higher rank appointed in respect of Central Constituencies. In the Tribal Areas, Political Agents and Assistant Political Agents were selected. In East Pakistan, Deputy Commissioners, Additional Deputy Commissioners and Sub-Divisional Officers acted as Returning Officers for the Central Constituencies. In cases where a Central Constituency cut across two districts, either a Commissioner or an Additional Commissioner was appointed as Returning Officer. In case where the boundaries of a Central Constituency cut across Divisional boundaries, the Member, Board of Revenue was appointed as Returning Officer. In the case of Provincial Constituency elections, mostly the Sub-Divisional Officers acted as Returning Officers; Deputy Magistrates were appointed only where an officer of the rank of Sub-Divisional Officer was not available. As in the case of Central Constituencies, the Additional Commissioner, Khulna Division, acted as Returning Officer for one of the Provincial Constituencies where two districts were involved.

Assistant Returing Officers

5. Assistant Returning Officers were appointed only where a Constituency was considered too large for one officer or comprised areas of two or more districts in West Pakistan and two or more Sub-Divisions in East Pakistan.

6. The number of Returning Officers and Assistant Retrunning Officers appointed in respect of Central and Provincial Constituencies is given below : — Statistics.

	Province		Number of Returning Officers	Number of Assistant Returning Officers
Central ...	1. East Pakistan	...	75	45
	2. West Pakistan	...	75	25
Provincial ...	1. East Pakistan	...	150	10
	2. West Pakistan	...	150	10

7. It was the duty of the Returning Officer to appoint for each polling station a Presiding Officer and such number of Polling Officers as he considered necessary to assist him. While making a selection it was ensured that the person appointed was not in the employ of any candidate. The Returning Officers made these appointments and informed the Regional Election Commissioner concerned well in advance of the poll. For each polling station, one Presiding Officer and at least two to three polling officers were considered necessary. Appointment of Presiding and Polling Officers.

8. In West Pakistan, normally, Magistrates or Gazetted Officers were appointed as Presiding Officers while polling officers were selected from amongst Naib Tehsildars or other senior Class III officials in the district|tehsil. In East Pakistan, the Presiding Officers were mostly appointed from amongst Deputy Magistrates, Subordinate Judges, Assistant Commissioners, Munsiffs and Magistrates. 1st Class ; the choice of polling officers was made from amongst Officers belonging to Education, Agriculture, Cooperative, Food, Public Relations, Rehabilitation and Animal Husbandry Departments etc. Where the number of these officers fell short of the requirement, Circle Officers, Thana Education Officers, Thana Agriculture Officers and Sub-Registrars etc. were appointed. A list of Presiding and Polling Officers, Constituency-wise, showing also the categories from which they were drawn, appears at Appendix 'HH'. Category of Officers from which personnel drawn.

9. The Commission issued detailed instructions for the guidance of Presiding Officers. The Presiding Officers were asked to study the Act, the Rules and the Instructions carefully and to follow them strictly in order to ensure that elections were Instructions for the guidance of Presiding Officers

conducted honestly, justly, fairly and in accordance with the law. The printed instructions, together with additional instructions issued from time to time, appear at Appendix 'B'.

Maintenance of Order. 10. In these instructions the Presiding Officers were specifically told that the conduct of the polls and the maintenance of law and order at the polling stations were entirely their responsibility. For this purpose a Presiding Officer could call upon such officials as were available at the polling station and it was the duty of such officials to act in his aid. The Presiding Officers had the authority to order the removal of any person who created disorder or misbehaved in any other way, but care was taken that because of such action an Elector was not deprived of his right to vote at that or at any other polling station. The Presiding Officer could entrust such of his duties to the Polling Officers as he deemed necessary. If the Presiding Officer was absent due to illness or any other cause or was unable to perform his functions, the senior polling officer (who had been nominated for this purpose) took upon himself the duties of the Presiding Officer and reported the absence of the Presiding Officer to the Returning Officer as soon as possible. Care was taken in the selection of officers to ensure that the Presiding Officer was senior to the senior polling officer who, in turn, was senior in rank to the rest of the polling officers appointed for the polling station.

Police Arrangements 11. A small contingent of police force was stationed outside each polling station. The duty of this police force was to maintain law and order outside the polling station and to regulate entry of Electors to the polling station. They also performed patrol duties in the vicinity of the polling station. No police officer was allowed to be stationed inside the polling booth or near the screened off compartment. The polls were conducted in a calm atmosphere and no untoward incident disturbed the peace and tranquillity of the polling station area any where in the country. The engagement of special police at these elections was not considered necessary as maintenance of law and order did not pose a serious problem. Moreover, the normal District police force was adequate.

Statistics. 12. The number of Presiding Officers appointed for the National Assembly elections in the two wings was 395; 227 in East Pakistan and 168 in West Pakistan. The number of polling officers appointed in East Pakistan for the National Assembly elections was 454 and in the West wing 409. Two hundred eighty two Presiding Officers and 561 polling officers were appointed in East Pakistan and 164 Presiding Officers and 398 polling officers in West Pakistan for conducting the Provincial

Assembly elections. The number of Presiding and Polling Officers for the Provincial Assembly elections in West Pakistan was smaller ; partly because of the 47 uncontested returns, and partly due to the fewer number of polling stations established in that wing.

Changes in personnel allowed.

13. A few representations were received from candidates against the appointment of certain persons as Presiding or polling officers. In pursuance of section 111 of the National and Provincial Assemblies (Elections) Act, 1964 read with section 108 thereof, the Chief Election Commissioner delegated his powers to the Regional Election Commissioners to enable the latter to make suitable changes wherever considered necessary. Action was taken under this delegated authority by the Regional Election Commissioners in consultation with the Returning Officers ; the polling personnel was, however, changed in a few cases only.

CHAPTER XXII

NOMINATIONS AND SCRUTINY

Notification. The National and Provincial Assembly elections, like all other elections, commenced with a notification from the Commission calling upon the members of the Electoral College of Pakistan to elect their representatives from 150 Central Constituencies (75 from each wing) and 150 Provincial Constituencies of each Province. Along with this notification, programmes for the National and Provincial Assembly polls were issued.

Public Notice. 2. After the issue of the notification by the Commission, each Returning Officer gave public notice of the dates appointed by the Commission for the various stages of the election in respect of his constituency. These public notices, apart from inviting nominations, specified the time before which, and the place at which, nomination papers were to be received by him. Each public notice was published and displayed at prominent places within the constituency to which it related. The programme of elections was also widely publicised through the press and the Radio. Under the programme announced by the Commission, the 16th of February, 1965 was fixed as the nomination day for the National Assembly and the 10th April, 1965 as the nomination day for the Provincial Assemblies' elections. The nominations could be filed only on the day fixed for the purpose and not before that day. The dates were the same for the two Provinces. The Returning Officers were asked to remain at their headquarters to receive the nomination papers on the appointed dates.

3. The notifications fixing days for the different stages of the elections under section 11 were issued by the Commission on the 8th February, 1965 and the 2nd April, 1965 respectively for the National and Provincial Assembly elections. The public notices by the Returning Officers in respect of these elections were issued on the 8th February, 1965 and the 3rd April, 1965. In the public notices, the time for receipt of nominations was fixed as from 9.00 a.m. to 4.00 p.m. Offices of the Returning Officers were generally specified in the public notices as the places for receipt of nominations. Wide publicity was given to these public notices by exhibiting them on the notice boards in the offices of Returning Officers and in the Tehsil/Thana offices and offices of the local councils within the Constituencies.

4. Any Elector from a constituency could propose or second the name of a duly qualified person to fill the seat for that Constituency. A person could be nominated by more than one nomination paper but no person could subscribe to more than one nomination paper either as proposer or seconder. If any person subscribed to more than one nomination paper, all such nomination papers, except the first received by the Returning Officer, were to be rejected at the scrutiny stage. The nomination paper was to be signed by the proposer and the seconder and it could be delivered, either by the candidate himself or by his proposer or seconder, to the Returning Officer who was required to acknowledge receipt specifying the time and date of receipt. The serial number allotted to the nomination paper was mentioned in the receipt. He was also to endorse on the nomination paper the name of the person presenting it and the date and time of receipt. **Receipt of Nominations.**

5. The Returning Officer informed the person who presented a nomination paper of the time and place at which the scrutiny was to be held. Notice of every nomination paper received by the Returning Officer was affixed at a conspicuous place in his office. Every proposal contained a declaration signed by the candidate that he had consented to the nomination and that he was not subject to any disqualification for being, or being elected as, a member of the relevant Assembly. The declaration was to specify the district and the electoral unit in which he was registered as a voter. A candidate was also required to make an oath, or a solemn affirmation, that he would always uphold the sovereignty and integrity of Pakistan and bear true faith and allegiance to the Constitution of Pakistan, as by law established.

6. Under Article 103 of the Constitution, a person was qualified to be elected as, and to be a member of, an Assembly, if his name appeared— **Qualifications for candidates.**

(i) in the case of the National Assembly—on the electoral roll for any electoral unit ; or

(ii) in the case of the Assembly of a Province—on the electoral roll for an electoral unit in the Province ; and

(iii) he was not less than 25 years of age.

7. Article 103(2) of the Constitution prescribed the disqualifications which arose if— **Disqualifications.**

(a) he held an office of profit in the service of Pakistan ;

(b) he was an undischarged insolvent ;

(c) he had, within the previous period of five years, been convicted of an offence by any Court and sentenced to transportation or to imprisonment for not less than two years or been sentenced to death and that sentence had been commuted to transportation or imprisonment ;

(d) he ceased to be a citizen or had affirmed allegiance to a foreign State ; or

(e) he was otherwise disqualified from being a member of that Assembly by the Constitution or by or under any law.

8. An exception was, however, made in the case of the President, a Governor or a Minister. Anyone of these office holders was qualified to be elected as a member of an Assembly ; but if he were so elected, he was not qualified to be a member of the Assembly until he ceased to hold office as President, Governor or Minister.

9. In addition to the disqualifications imposed by the Constitution, certain other disqualifications were added by the National and Provincial Assemblies (Elections) Act, 1964. According to the relevant provisions of that Act, the following categories of persons were disqualified from being, or being elected as, members of an Assembly :

(i) The wife of a person in the service of Pakistan, not being a person mentioned in clause 3 of Article 103 *viz.* the President, a Governor or a Minister. (Section 101).

(ii) A person who was, for the time being, disqualified from being a member of an Elective Body under the Elective Bodies Disqualifications Order, 1959 (P. O. No. 13 of 1959) or any other law for the time being in force. (Section 102).

(iii) A person who was a whole time salaried official of a public statutory corporation or of a local council. (Section 103).

(iv) A person who was convicted for any offence under the National and Provincial Assemblies (Elections) Act, 1964 or was found guilty of illegal or corrupt practice by a tribunal and disqualified by the Commissioner from being, or being elected as, a member of the Assembly. (Section 104).

10. Any disqualification under the National and Provincial Assemblies (Elections) Act, 1964 was to be in addition to and not in derogation of disqualifications specified in Article 103 of the Constitution.

11. The above disqualifications, however, would not apply :— **Exceptions.**

(a) in case the detention of a person under the Security of Pakistan Act, 1952, or any other law relating to preventive detention, if the detention was for a period not exceeding nine months, or if a period of five years had elapsed since his release from detention ; or

(b) on the ground only that he was dismissed, removed or made to retire from the service of Pakistan or of a public statutory corporation, on a charge other than that of inefficiency, if a period of five years had elapsed since his dismissal, removal or retirement.

12. It was obligatory that a nomination paper be accompanied by a receipt showing that a sum of Rs. 500 had been paid as deposit for election to a seat in the Provincial Assembly or Rs. 1,000 for election to a seat in the National Assembly. In addition to this receipt, the candidate was required, in his own interest, to file certified copies of extracts from the Electoral Roll showing his name therein. **Deposits.**

13. Six hundred sixty nine candidates were nominated for the National Assembly seats by 2,542 nomination papers. The maximum number of nomination papers filed was 138 on behalf of a candidate in a Central Constituency. Eight hundred candidates were nominated for Provincial Assembly seats in West Pakistan by 2,929 nomination papers while in East Pakistan the number of nomination papers filed in respect of 919 candidates was 2,860. After scrutiny, the number of validly nominated candidates for Central Constituencies was 659 (306 from East Pakistan and 353 from West Pakistan). The number of validly nominated candidates for the East Pakistan Provincial Assembly constituencies was 910 and for those of the Provincial Assembly of West Pakistan 774. **Statistics.**

14. The candidates, their election agents, proposers and seconders, and one other person authorised in this behalf by each candidate, could attend the scrutiny of nominations. The Returning Officers had instructions to give reasonable opportunities to these persons for examining all nomination papers. A Returning Officer, on his own, or on receipt of an objection, **Scrutiny.**

could conduct a summary enquiry and reject any nomination paper if he was satisfied that—

(a) a candidate was not qualified to fill the seat for which he had been nominated ;

(b) the proposer or the seconder was not qualified to subscribe to the nomination ;

(c) any provisions with regard to the filing of nomination papers and the payment of deposit had not been complied with ; and

(d) the signature of the proposer or of the seconder was not genuine.

Valid grounds for rejection.

15. The rejection of a nomination paper was, however, not to invalidate the nomination of a candidate accepted by another valid nomination paper. The purpose of scrutiny was to reject the nomination of such a person only as was disqualified from contesting an election. A nomination paper could not be rejected on the ground of any defect which was not of a substantial nature or because of a trivial mistake in filing it. The Returning Officer was asked to have the defect remedied forthwith, if it could be so remedied. He could not enquire into the correctness or validity of any entry in the electoral roll for an electoral unit or in the Electors' list, and he had to record his reasons briefly in every case of rejection of a nomination paper.

Appeals.

16. If all the nomination papers of a candidate were rejected, the candidate could file an appeal within a period of five days against the rejection of his candidature, either in person or through a person authorised by him in this behalf, with the Commission. The orders passed by the Commission on such appeals were final. The appeal was to be addressed to the Commission and could be filed with the Regional Election Commissioner or with the Secretary, Election Commission. The Returning Officers were required to send all relevant documents to the Regional Election Commissioner by special messengers in all cases where the nomination of a candidate had been rejected in order to prevent any delay in the disposal of any appeal for want of the connected papers. The Returning Officers were also instructed to give to the candidate concerned a copy of the order rejecting his nomination immediately after the scrutiny.

17. The Returning Officers had orders that results of uncontested elections should not be declared, if such returns were as a result of rejection of the nominations of other candidates and the rejected candidates had indicated their intentions to file appeals against the orders of rejection. In such cases, the result was withheld till such time as the appeal was disposed of, and, if no appeal was filed, till the time limit prescribed for the filing of an appeal had expired.

18. Each Returning Officer prepared and published a list of validly nominated candidates immediately after the scrutiny; and in case of an appeal revised the list according to the decision on appeal. **List of validly nominated candidates.**

19. The Commission delegated the powers of hearing appeals to the Chief Election Commissioner and to the Members. Generally, the Member from a wing heard the appeals arising in his wing. A departure from this principle was, however, made in one case when the Member from the East wing expressed a difficulty in hearing the appeals filed by two contesting candidates in one of the East Pakistan Central Constituencies. In deference to the Member's wishes, the Member from West Pakistan heard and decided the appeals in question.

20. In case of Central Constituencies, twenty seven nomination papers were rejected (7 from the East Wing and 20 from the West Wing). The total number of rejections in case of Provincial Constituencies of East Pakistan was 11 and of West Pakistan 35. Against these rejections, 14 appeals were filed in respect of Central Constituencies (3 from East Pakistan and 11 from West Pakistan). The number of appeals filed in respect of rejections relating to Provincial Constituencies of East Pakistan was 4 and in respect of West Pakistan 10. Of all the appeals filed, only 5 appeals were dismissed (3 from West Pakistan and 2 from East Pakistan). In one case, the dismissal was due to the fact that the prescribed oath had not been subscribed. In another, the same person had proposed the candidature of two different candidates so that the proposal filed first, having been accepted, there was no option but to reject the second nomination. In the third case, a candidate was a person disqualified under the Elective Bodies (Disqualification) Order, 1959 and was not deemed qualified to seek election. In East Pakistan, the two cases where appeals were dismissed related to persons who had not made the deposit and either came up for making payment in cash after the scrutiny was over or pleaded that payments by postal orders should have been accepted. In the rest of the cases, it was held that the nominations had been rejected on flimsy grounds.

Uncontested Returns after Rejection.

21. In East Pakistan, both at the National and Provincial Assembly elections, there was not a single case in which uncontested return took place as a result of the rejection of a nomination at the time of scrutiny. But in West Pakistan, there was one such case pertaining to a Central Constituency and two cases pertaining to Provincial Constituencies. The total number of uncontested returns after scrutiny in case of Central Constituencies was 5 (none in East Pakistan and 5 in West Pakistan). The number of unopposed returns to the Provincial Assembly of West Pakistan was 14, and none in East Pakistan at this stage.

Suggestions.

22. The law did not provide for an appeal against the acceptance of a nomination although a wrongly accepted nomination could form the subject matter of an election petition. It has been felt that there should be a provision for review against acceptance of nominations, and this power of review should be exercisable by the Commission, if a *malafide* acceptance of nomination is brought to its notice by the Chairman or a Member of the Commission.

23. Article 105 of the Constitution provides that a person cannot, at the same time, be a candidate for election to more than one seat in an Assembly or to a seat in one Assembly and to a seat in another Assembly. The word "candidate" as defined in clause (4) of section 2 of the National and Provincial Assemblies (Elections) Act, 1964 meant "a person proposed as a candidate for election to a seat". Inspite of these clear provisions, two persons filed their nominations from two different Central Constituencies in West Pakistan. In one case, both the nominations of the candidate were accepted but he later withdrew from one of them. In the second case, nomination papers of the concerned candidate were accepted in one Constituency while those in the other were rejected on the ground that the nomination had been accepted in the other. Although such a candidate incurs the risk of his election being questioned by way of an election petition in case he succeeds at an election, it could perhaps be ensured that a person does not file his nomination papers in more than one Constituency at the same time. This could be achieved by providing for a declaration (to be signed by the person nominated) that he has not filed a nomination in any other Constituency.

CHAPTER XXIII

WITHDRAWALS AND RETIREMENTS

Any validly nominated candidate could withdraw from contest by notice in writing signed by him and delivered, before the last date fixed for withdrawals, to the Returning Officer either by the candidate in person or by an agent authorised in this behalf in writing by such candidate. The notice would be irrevocable. A Returning Officer, on receiving a notice of withdrawal, had to satisfy himself that the signature on the notice was that of the candidate. He would then cause a copy of this notice to be affixed at a conspicuous place in his office in token of receipt. A day after the last date fixed for withdrawals, a list of contesting candidates would then be drawn up and published by the Returning Officer, and the Commission informed. This list, besides giving the names of the contesting candidates in alphabetical order, would also indicate the symbol allotted to each of the candidates. In the allocation of a symbol, the Returning Officer would be guided by the preference indicated by the candidate. Wherever this preference was not indicated, the Returning Officer would use his own discretion in allocating a symbol to the candidate out of the prescribed symbols. A list of contesting candidates would finally be drawn up in Form V and affixed at a conspicuous place at the office of the Returning Officer. This list would also contain a notice indicating the time and date on which the poll was to be taken. The last date fixed for withdrawals from the National Assembly elections was 26th February, 1965 and from the Provincial Assembly elections the 19th April, 1965. **Final list of candidates.**

2. The list of symbols, out of which a candidate could indicate his preference, was prescribed by Rule 9 framed under sub-section (1) of section 21. These symbols were— **Symbols.**

1. Apple	14. Knife
2. Bicycle	15. Lantern
3. Boat	16. Lock
4. Bullock Cart	17. Ladder
5. Cap	18. Pitcher
6. Chair	19. Railway Engine
7. Clock	20. Rose
8. Deer	21. Scales
9. Elephant	22. Scissors
10. Hookah	23. Spectacles
11. Horse	24. Tiger
12. Key	25. Tree
13. Kite	26. Umbrella

27. Van
28. Vase
29. Violin
30. Walking Stick
31. Wheel
32. Zebra

3. The symbols 'Flower' and 'Lamp', which ultimately assumed the common name of the 'Rose' and the 'Lantern', were selected as their symbols by the Pakistan Muslim League and the Combined Opposition Parties respectively. In the beginning, the Commission decided that these two symbols should not be allocated to any party. This decision was taken so as to avoid continuation of the tension which had existed at the time of Presidential election where the 'Rose' and the 'Lantern' had been the symbols of the two main candidates. Later on, the Commission felt that for creating traditions and conventions, necessary for the establishment of political parties, it would be desirable to permit the use of these symbols. Party affiliations, if clearly indicated through the symbols, would not only help the candidates to muster support for their parties but would, at the same time, help the parties in establishing themselves on a firm footing. A final list of candidates put up by the two parties was, therefore, obtained from the parties and instructions were issued to the Returning Officers to allocate these two symbols to the party nominees according to the lists furnished to the Returning Officers by the Commission. While in West Pakistan the Combined Opposition Parties preferred to retain 'Lantern' as its symbol, Sheikh Mujibur Rahman, Mr. Mahmud Ali, Professor Ghulam Azam, Syed Mosleh-uddin Ahmed and Mr. A. Q. M. Shafiqul Islam of East Pakistan approached the Commission for allocation of 'Umbrella' to the agreed candidates of the Awami League, the National Democratic Front, the Jamaat-i-Islami, the Nizam-i-Islam and the Council Muslim League. A list of their agreed candidates was furnished by these parties and the Commission instructed the Retruning Officers in East Pakistan to allocate the symbol 'Umbrella' to the candidates set up by these parties. This indicated an apparent divergence between the opposition parties in East and West Pakistan.

4. While allocating symbols to the candidates other than the party candidates the preferences indicated by them were honoured. The decision of the East Pakistan opposition parties to change their symbol from 'Lantern' to 'Umbrella' and the changes made in the lists of candidates originally furnished by these parties, caused considerable difficulty to the Commission's officials. In one case, in the National Assembly elections from West Pakistan, the name of one of the candidates was not indicated in the list of Combined Opposition Party candidates and he was not allocated the symbol 'Lantern', asked for by him. The High Court, however, ordered that the candidate be

offered that symbol. The allocation was made accordingly, although, as a result, the ballot papers for the Constituency had to be reprinted at that late stage.

5. During the interval between scrutiny and the last date fixed for withdrawals, 210 candidates withdrew from the contest, leaving 196 contesting candidates for 64 central seats in West Pakistan and 240 for 73 central seats from East Pakistan. The number of un-contested returns from East and West Pakistan in respect of Central Constituencies was 8. **Statistics for withdrawals.**

6. Similarly, due to withdrawals there were 16 unopposed returns (one from East Pakistan and 15 from West Pakistan) for the Provincial Assembly elections. After withdrawals 434 candidates were left in the field to contest the Provincial Assembly seats from West Pakistan and 693 from East Pakistan.

7. The law also provided for retirement by candidates. A total number of 31 contesting candidates retired from the Central seats in both the wings. The number of retirements from the East Pakistan Provincial Constituencies was 28 and from the West Pakistan Provincial Constituencies 106. The number of un-contested returns due to retirement from the Provincial Assembly seats was 19 ; one in East Pakistan and 18 in West Pakistan. The corresponding number of uncontested returns for the Central Constituencies at this stage was 5 in West Pakistan. There was no un-opposed return in East Pakistan at this stage. **Retirements.**

CHAPTER XXIV

PROJECTION MEETINGS

Elector-candidate meetings.

The Act provided for the calling of meetings as and when necessary, in accordance with the instructions issued by the Commission so as to afford, as far as practicable, equal opportunity to the contesting candidates to address their Electors. The Act also prohibited the holding of any other meetings in connection with elections in the constituency on the day fixed for the meeting called under the above mentioned legal provision. The meeting was to be open only to the candidates, the Electors and the press and was to be presided over either by a person in a Judicial service of Pakistan or by a non-official who was not a partisan in the election. The publication of only a correct factual report of the proceedings of the meeting was permissible and no headlines could be given except for the purpose of designating a meeting. The address of a candidate was restricted to the aims and objects for which he was seeking election, and if he so desired, to the aims and objects of his rival candidates, but it was not permissible to cast reflections on rival candidates.

2. The Electors could ask questions having a bearing on the candidature of the person addressing them. The Presiding Officer of the meeting could disallow any question which, in his opinion, was calculated to scandalise any other candidate. He could also prohibit the publication of any question put to a contesting candidate.

3. In pursuance of the above provisions the Commission decided to hold two meetings in each Central constituency. This decision was taken in view of the larger areas of Central constituencies and to facilitate the maximum attendance of the Electors. For Provincial constituencies, it was decided generally to hold one meeting in each constituency. In constituencies comprising two districts, or one district with a comparatively large area, two meetings were arranged. The candidates addressed the meetings in the alphabetical order of their names. The order of the address by the candidates was reversed in the second meeting where two meetings were held in the same constituency.

4. A meeting was held normally at a District or Tehsil|Thana headquarters or at some other place which was prominent and centrally located and where arrangements could be made easily. The venue of a meeting was carefully selected so as not to give an advantage to any one candidate. Instructions were issued

not to fix the venue of any meeting in the premises of a police station or in a building in the occupation, or under the influence, of a candidate. The Presiding Officers were also advised to keep police personnel outside the premises where meetings were being held. The police were, however, to remain handy for maintenance of law and order.

5. In case of inter-district constituencies, the District Officers were advised to fix the date of a meeting by mutual consultation to avoid any clash of dates.

6. The Presiding Officers gave objective reports of the meetings, specially on the following points :— **Reports on meetings.**

(a) attendance of Electors and candidates ;

(b) the manner in which the proceedings were regulated ;

(c) salient points in the address of each candidate ;

(d) interesting questions, if any, put by Electors to candidates ;

(e) the extent of interest evinced by the Electors ;

(f) questions disallowed by the Presiding Officers, if any ;

(g) miscellaneous : venue of the meeting, accommodation and time etc ; and

(h) any other matter of interest worth mentioning.

These reports were forwarded by the Presiding Officers to the Deputy Commissioners who sent them to the Commission and to the Regional Election Commissioners along with their comments.

7. In all, 305 meetings were held in East Pakistan ; 149 in the 73 contested Central Constituencies and 156 in the 149 contested Provincial Constituencies. The number of meetings held in West Pakistan was 205 ; 79 for the 61 Central and 126 for the 121 Provincial Constituencies.

8. The High Courts were good enough to grant permission to the Judicial Officers to perform the functions of presiding officers at these meetings ; and all the meetings were presided over by officers of the judiciary and were conducted in accordance with the law, rules and the instructions mentioned above.

9. In their addresses, the candidates sponsored by Pakistan Muslim League emphasised the necessity for maintaining stability

in the country so as to help development plans. They appealed to the Electors to exercise their right of vote in a way that would strengthen the hands of President Ayub in whose favour they had already given their verdict in the Presidential election. They warned the Electors against disruptive tendencies of discredited politicians. They touched upon the events of the last 15 years when the country was in turmoil, and was on the verge of disaster till President Ayub came to its rescue. They also dwelt upon the growing prestige of Pakistan in the comity of nations as a result of a sound foreign policy during the last few years. Referring to the components of the Combined Opposition Parties, it was said that they represented a group of conflicting ideologies and were not united even on vital issues; they had no clear cut policy on national and international problems. A vote for Pakistan Muslim League nominees would mean voting for stability, progress and peace. The candidates further said that the present attitude, and the sinister designs, of our next door neighbour, India, should be kept in mind. They further emphasised that only a strong and a united party like the Pakistan Muslim League, and a devoted leader of firm determination like President Ayub, could save the country.

10. The opposition candidates emphasised the necessity of a strong opposition for the proper working of democracy. They said that they were seeking election to curb the inherent dictatorial tendencies of a one man rule. The common man had not benefited and the much talked about development programmes were a mere farce. It was promised that the C.O.P., if returned to power, would try to eradicate these evils. They said that they stood united on vital issues like defence of the country and the problem of Kashmir and would not fail to do their duty as true patriots when occasion arose.

11. The independent candidates said that party affiliations sometimes prevented individuals from acting according to the dictates of their conscience. They, as independent members, would judge every issue on its merits, regardless of the fact that it was sponsored by one or the other party. Some of the independent candidates stated that they had faith in the leadership of President Ayub but that some of his party members were not equal to the occasion. They claimed there were some self-seekers with him who were more interested in themselves as against the interests of the nation. It was stated that they were contesting the elections with a view to eliminating such elements from the legislatures.

12. Some of the questions put to the candidates are listed below :— **Questions asked.**

A. Economic—

(i) Do you think that the 5 year plans are totally useless and have in no way contributed to the progress of the country ?

(ii) It is stated that there has been tremendous industrial development in the country. If so, why are the prices of commodities produced locally so high ?

(iii) What measures would you propose to check inflation ?

(iv) Has the *per capita* income increased as a result of the 5 year plans ? If so, can you substantiate this by quoting examples ?

B. Foreign policy—

(i) Do you have a concrete solution of the Kashmir problem in mind ?

(ii) What are your views on foreign aid ?

C. General—

(i) Do you support the Presidential system as it exists in the country or do you advocate a parliamentary form of Government ?

(ii) What are your views about adult franchise ?

(iii) Do you think there is disparity between East and West Pakistan ? If so, what concrete proposals would you put forward to remove disparity.

(iv) What is your concept of an Islamic state, and to what extent do you think this term can apply to the present Constitution of Pakistan ?

(v) Will you advocate reservation of seats for the minorities in the National and Provincial Assemblies ?

(vi) Do you think that the Ordinance for the disposal of evacuee property is fair and just to the minorities ?

(vii) Are you in favour of continuing the system of Basic Democracies ?

(viii) What are your views on the principle of nomination to Basic Democracies ?

(ix) You are seeking election to the National Assembly but your menifesto, given in your address, shows that most of your programmes refer to the Provincial sphere. Are you aware of this fact ?

D. Questions against the C.O.P.—

(i) Have the components of the C.O.P. composed their difference on issues like the one unit ? If not, how do you think they would decide the issue, if returned ? Will they remain united inspite of difference on vital issues ?

(ii) If the opposition succeeds in capturing a majority of seats in the legislature what would be the position of the President ?

(iii) If the C.O.P. and N.D.F. could not come to terms on the question of nomination of candidates, how would they be able to work in unison in the legislature ?

(iv) Why had the C.O.P. in East Pakistan to change its symbol from 'Lantern' to 'Umbrella' ?

(v) The United Front disintegrated soon after it came into power in 1954. What is the guarantee that the C.O.P. would not disintegrate in the same way if it succeeds in securing a majority ?

E. Questions against the Muslim League—

(i) Do you propose to scrap the present Constitution in its entirety ? If not, how will you change some of the basic principles of the Constitution which are repugnant to principles of democracy ?

(ii) Do you think that the President's election was the result of the verdict of the people of Pakistan ?

The standard of addresses, questions and replies was fairly high. There was good attendance at most of the meetings which justified the purpose for which the meetings were called. A good opportunity was thus provided to the Electors to judge the merits of the contesting candidates.

Utility of meetings.

13. It is difficult to assess the influence of these meetings as a deciding factor in the matter of Electors making their choice. An objective atmosphere was certainly provided where a discerning Elector, attending such a meeting, could assess the relative merits of the candidates appearing before him.

14. Normally, family connections, local influences, tribal and baradari ties, personal likes and dislikes as well as party affiliations are factors which decide a voter's choice. These meetings provide an opportunity to the Electors for judging the merits of the candidates coolly in the light of their past performances and their promises and claims for the future. It can

at best be hoped that increasing reliance will be placed by the Electors on their own comparative judgment based on these factors, and that the experiment of 'confrontation' as between candidates and voters will play an increasing role in the elections.

15. An amount of Rs. 100 per meeting was placed at the disposal of the District Officers for making arrangements at the meetings. A total expenditure of nearly Rs. 53,000 was incurred on this account. **Expenditure.**

CHAPTER XXV

DEPOSITS AND FORFEITURES

Deposits for nominations.

Each nomination paper was accompanied by a receipt showing that a sum of Rs. 500 was paid as deposit for election to a seat in the Provincial Assembly and a sum of Rs. 1,000 for election to a seat in the National Assembly. This amount was payable either in cash to the Returning Officer or as deposit by the candidate, or by any person on his behalf, at any branch of the National Bank of Pakistan or in a Government Treasury or Sub-Treasury. Not more than one deposit was required in case of a person who was nominated as a candidate by more than one nomination paper. A nomination, not accompanied by a receipt showing the requisite deposit, was to be rejected.

2. Deposits made in cash with the Returning Officers were entered in a register and receipts for the amounts were issued. The head of account prescribed for this purpose was "P—Deposits and Advances Part II—Deposits not bearing interest—Civil Deposits—Deposits in connection with elections". The Returning Officers credited the amounts deposited with them in a Government Treasury. Persons choosing to pay the deposit into the National Bank of Pakistan or a Government Treasury were required to enter the head of account mentioned above correctly.

3. These deposits were meant to help restrict the number of candidates at an election. A total sum of Rs. 3,10,000 was received as deposit for the Central Constituencies from East Pakistan and Rs. 3,59,000 in respect of the Central Constituencies from West Pakistan.

4. As regards Provincial Assembly elections, a sum of Rs. 4,59,500 was received as deposits in East Pakistan and Rs. 4,00,000 in West Pakistan.

Refund of Deposits.

5. A Deposit was required to be refunded to a person who withdrew from the contest on or before the last date fixed for withdrawals. Similarly, the deposit was also refundable after the proceedings at an election were terminated due to the death of a validly nominated candidate before the date of retirement. Deposits in respect of contested elections were refundable except in cases where a contesting candidate secured less than 1/8th of the total votes polled or where a contesting candidate did not withdraw from the contest before the last date fixed for withdrawals and later on chose to retire from the contest.

6. A total sum of Rs. 98,000 was forfeited to the Central Government in respect of Central Constituencies from East and West Pakistan due to the candidates having secured less than 1|8th of the total votes cast ; forfeitures from East Pakistan on this account being Rs. 56,000 and from West Pakistan Rs. 42,000. The total forfeitures due to retirements from contests after the last date fixed for withdrawals amounted to Rs. 31,000 ; Rs. 3,000 being forfeitures in the East wing and Rs. 28,000 in the West wing. **Forfeitures.**

7. As regards Provincial Constituencies in East Pakistan, 259 persons secured less than 1|8th of the total votes cast whereas in West Pakistan the number was 95. The total amount forfeited on this account was Rs. 1,77,000 ; Rs. 1,29,500 in East Pakistan and Rs. 47,500 in West Pakistan. Twenty eight persons retired from the Provincial Assembly contests in East Pakistan after the last date fixed for withdrawals and the amount forfeited on that account was Rs. 14,000. The number of persons retiring from the contest after the last date fixed for withdrawals in West Pakistan was 106 and the forfeitures on that account from that province amounted to Rs. 53,000.

8. The total forfeitures during 1962 elections amounted to Rs. 7,60,000. This amount was very high as quite a large number of non-serious candidates had been put for various tactical reasons. A few persons with small backing had entered the contest in the hope that they might be able to secure a victory as a result of votes getting split among a large number of candidates. These hopes were raised as the electorate for a constituency was small and the elections were not then fought on party lines. In the present elections, the highest number of candidates in a Provincial Constituency was 13 as against 31 in the 1962 elections. Similarly, for a Central seat the maximum number of contesting candidates was 12 in 1962 elections as against 7 in the present elections. As was expected, the number of contesting candidates showed a sharp decline in this election and the forfeitures were not as high as in 1962.

9. The Returning Officers of the Central and Provincial Constituencies allowed refunds wherever due and ordered forfeitures where so warranted. Statements were obtained from the Returning Officers to verify whether these refunds and forfeitures were correctly made.

CHAPTER XXVI

THE POLL

Dates.

Polls were taken in respect of National Assembıy elections on the 21st March, 1965, and those in respect of the Provincial Assemblies elections for both the provinces on the 16th May, 1965.

Selection of Polling Stations and personnel.

2. The polls represent the climax in the process of an election and if the taking of the poll is done impartially and efficiently, and the secrecy of the ballot is maintained, the election can be said to have been conducted in a satisfactory manner. Those, who are made responsible for the conduct of polls have, therefore, to be very carefully selected. Similarly, care has to be taken in the selection of polling stations so as to ensure that no candidate has an undue advantage over others merely due to the location of a polling station at a certain place.

List of Polling Stations.

3. Each Returning Officer furnished to the Commission, within a fixed time, a list of polling stations he proposed to provide for the election in the Constituency. The Commission could make changes in this list, if it considered necessary. The Commission was required to publish in the official gazette the final list of polling stations, at least 15 days in advance of the date of the poll, specifying the areas from which the Electors were entitled to vote at each polling station. The Returning Officers were required by law to provide polling stations according to the final list approved and notified by the Commission. The Returning Officer as well as the Commission had to take care that no polling station was located in any premises under the control or influence of any of the contesting candidates. The use of police station buildings or levy posts etc. was totally banned. The fact that there was no complaint against the location of a polling station shows that the choice was judiciously made. The locations of polling stations were altered in a few cases in East Pakistan in respect of Provincial Assembly elections as some of the polling station buildings previously selected were damaged during the cyclones. A list of polling stations provided for the National and Provincial Assembly elections appears at Appendix 'II'.

Principles for selection of sites.

4. The Returning Officers located the polling stations for the National and Provincial Assembly elections, as far as possible, at the the same places which had been chosen earlier for the Presidential election. It was ensured that the polling stations were located at central places so as to avoid inconvenience to Electors coming from the outskirts of the constituencies. In West Pakistan, a separate polling station was provided for each Tehsil/Taluka; if a Tehsil formed part of moıe than one constituency, a separate polling station was provided for each part with 100 Electors or more; otherwise, the Electors from that part were attached to the nearest polling station of the Constituency. In East

Pakistan, there was a demand that each Thana should have a polling station of its own. Due to paucity of polling personnel of a suitable status, this demand could not be acceded to. The Returning Officers were, however, asked to have two to four polling stations in a Central Constituency and one to three polling stations in a Provincial Constituency. Where communications posed a serious problem as in Chittagong Hill Tracts, as many as fourteen polling stations were established to cater to the needs of one Central Constituency. Similar considerations had to be given to the sparsely populated Kalat Division in West Pakistan.

5. In the matter of selection of sites, preference was given to public buildings like Schools and Colleges etc. The Returning Officers were asked to give adequate publicity to the locations of polling stations and the areas Electors wherefrom could vote at those polling stations. **Types of Buildings selected.**

6. Each Returning Officer was required to publicise the hours during which the poll was to be taken. The Commission prescribed seven hours continuous poll from 8·30 a.m. to 3·30 p.m. No break was allowed inspite of a demand for allowing half an hour's break for prayers. Persons required to be present in the polling station could take it in turns to say their prayers thus enabling the poll to continue uninterruptedly. Such Electors, as were present within the enclosure of the polling station and had not cast their votes, but were waiting to vote, were allowed to do so even after the hour fixed for the close of the poll. **Hours of the Poll.**

7. Admission to the polling station was governed by section 30 of the Act and no body other than the candidates, their election agents and the persons on duty were allowed to enter polling station premises. If the law and order situation demanded, the Presiding Officer could call upon persons present to assist him. Companions of blind or otherwise incapacitated Electors were, however, permitted to enter the polling station premises. Accredited press representatives and photographers were allowed to visit the polling station premises but they were not allowed to go inside the screened off compartments, entry to which was restricted only to voters. Taking of photographs within the screened off compartment was also prohibited. **Admission to the Polling Stations.**

8. A candidate, or his election agent, could appoint not more than two polling agents at each polling station. Presiding Officers were not to hold up the poll due to the absence of any of the polling agents. Seating arrangements were made for polling agents in such a way that the ballot box was visible to them and the insertion of ballot papers into the ballot box took place in their presence. They were also authorised to see the official mark on the back of each ballot paper before insertion in order to satisfy themselves that no unauthorised ballot paper was inserted into the ballot box. **Polling Agents.**

Electors' List.

9. The Returning Officer provided two copies of the printed and attested Electors' list to each polling station. This list contained the names of those persons who were entitled to cast their votes at that polling station. Lists of union councils from which the Electors were returned were also supplied to the polling station. The Electors' list was checked in advance with the polling station lists which indicated the areas allotted to each polling station. This was done so as to verify that Electors from all the relevant areas were enrolled. The Presiding Officers were forewarned that there might be some Electors whose names did not appear on the list due to their late election. Such persons were to be allowed to cast their votes provided they brought with them certificates from the Returning Officer (or the Regional Election Commissioner concerned) that they had been duly elected to the Electoral College.

Supply of Equipment in sealed Packets.

10. The Regional Election Commissioner sent sealed packets to each Presiding Officer through the Deputy Commissioners/Sub-Divisional Officers. These sealed packets contained sufficient number of ballot papers to serve the needs of the polling station. The ballot papers were supplied in the form of books and their counterfoils were numbered. In separate packets, rubber-stamps (official mark) in duplicate, one pad (self-inked) and 3 pencils of a special brand were enclosed. The official mark had a code on it which was kept strictly confidential. These packets were to be opened by the Presiding Officer, and by no one else, immediately before the commencement of the poll. The number of ballot papers received by the Presiding Officer was acknowledged by him and copies of acknowledgements could also be given to the polling agents, if asked for. In the acknowledgements sent to the Commission, the 'code' was indicated so that the Regional Election Commissioner could verify that the code seal actually sent to that polling station had been received.

Poster explaining manner of marking the Ballot Papers

11. A poster explaining the manner of marking the ballot paper was supplied to the Presiding Officer for display at the polling station. The Deputy Commissioners also made arrangement for the display of this poster at the offices of the Union Councils for the guidance of Electors. Charts containing symbols were also exhibited at the polling stations to serve as a guide for illiterate Electors.

Ballot Box.

12. The Commission had sent its steel ballot boxes to the districts for use at the polling stations during the Presidential election. These very ballot boxes were used at the polling stations established for the Assemblies elections. The Presiding Officers were asked to check that the ballot boxes were in working order and to ensure that the polling officers were able to work the mechanism of the boxes. Each polling station was supplied an adequate number of ballot boxes, although only one box could be used at the poll at a time.

13. The ballot papers were printed in a form specified by the Commission. The form of ballot papers used for National Assembly elections was the same as was used during the last general elections; with this slight difference in the case of West Pakistan that the arrangement of the columns containing the names of the candidates, symbols allocated to them and the place for marking was from right to left and not from left to right as in the past. The names of the candidates on the ballot paper being in Urdu, this arrangement was necessary to eliminate the chance of an Elector putting the mark on the ballot paper at a place other than the one provided for the purpose. **Ballot Papers**

14. The ballot papers were printed on paper of four different colours namely blue, green, pink and yellow. The ballot papers pertaining to one Constituency were all printed on paper of the same colour. Care was also taken that ballot papers for adjacent Constituencies were not of the same colour.

15. The ballot papers were printed at Lahore and Karachi in West Pakistan, and at Dacca in East Pakistan. The Deputy Regional Election Commissioner, Karachi looked after the printing of the ballot papers at Karachi in respect of Karachi, Kalat, Quetta, Hyderabad and Khairpur Divisions and the Regional Election Commissioner, Lahore arranged for the printing of ballot papers in respect of the rest of the Province. The Regional Election Commissioners distributed the ballot papers and other material through the District Officers within their respective jurisdictions.

16. The ballot papers were printed immediately after the withdrawal date and were sent to the Returning Officers well in advance of the polling day. Since a contesting candidate could retire 7 days before the date of poll, the names of those candidates who retired from contest towards the end of this period were generally not removed from the ballot papers. The inclusion of names of candidates who retired from contest could lead to confusion. It is, therefore, suggested that in future the period between the last date for retirement and the polling day should be at least a fortnight so that the names of those candidates who retire can be excluded from the ballot papers.

17. In addition to the above mentioned essential articles, printed envelopes for enclosing the requisite documents were also supplied to the polling stations. The district officers were supplied with a list of articles which they were authorised to purchase locally and supply to each polling station. A list of materials supplied by the Commission, and those purchased locally for use at the polling stations appears at Appendix 'JJ'. **Other Material.**

18. The Presiding officers were provided with a "desirable" plan of the polling booth. At all the polling stations in the country, the booths were established in accordance with the given plan with **Plan of Polling Booths.**

such variations as were necessary to suit the layout and available space of each polling station site. Separate entrances and exits were provided in order to regulate the entry of voters. The Presiding Officers were requested to avoid over-crowding at the booths and to allow only three or four Electors at a time within the polling station.

Procedure at the Poll. (a) Placing of Ballot Box.

19. Before the polling commenced at a polling station, the ballot box was shown empty to such polling agents of contesting candidates and their election agents as were present. The ballot box was then worked into "balloting position" and sealed before it was placed on the table ready to receive ballot papers. This was done half an hour before the commencement of the poll, but in case a polling agent or an election agent was not present, the formality of sealing the ballot box after showing it to be empty was observed immediately before the hour fixed for the commencement of the poll. If a ballot box got filled up, a second one was used after the same formalities were gone through and the first one was sealed.

(b) Identity Card.

20. Each Elector was required (Rule 10) to produce his identity card before the Presiding Officer so that the latter could be satisfied about the identity of the Elector before issuing a ballot paper to him. The fact that a person produced an identity card was only a *prima facie* proof of his being the Elector described on the card. If an Elector's identity was challenged, inspite of the production of the identity card, the Presiding Officer satisfied himself about the Elector's identity by other means before giving him the ballot paper. There were certain contingencies in which it was possible that the Elector might not be in a position to produce his identity card. The card could have been lost inadvertently or it could have been taken away from him or it could have been replaced or changed. It was explained to the Presiding Officers that, as long as the person was an Elector, he was entitled to cast his vote. The Presiding Officers were further instructed to conduct a summary enquiry, if the identity of a particular Elector was, in any way, in doubt and issue the ballot paper to him only if he was satisfied about the identity of the Elector. In case of a challenge, a record of the challenged ballot paper and of the Presiding Officer's decision was to be maintained.

(c) Actual Poll.

21. At the polling station, the particulars of each Elector were checked with the Electors' list which was 'tick marked' to indicate that the Elector was entitled to vote at the polling station. The Presiding Officer, after he was satisfied about the identity of the Elector, issued a ballot paper which was marked with the official mark, initialled and dated. The signature or thumb impression of the Elector was obtained on the counterfoil of the ballot paper. The Elector then proceeded to the screened off compartment where he marked his ballot paper. In the screened off compartment, arrangements had been made to have copying pencils secured to immovable objects so that these pencils could be used but could not be easily removed. The Elector marked his ballot paper by means of a cross mark in any form which

meant inter-section of two lines at a point. The Presiding Officer informed the Electors that these pencils, and no other marking aid, could be used and that non-compliance on their part would be taken as an attempt to identify themselves. The ballot paper contained the name of each candidate, his symbol by the side of his name and a blank space against the symbol for marking. The Elector could put his mark against the name of the candidate of his choice. If a ballot paper was spoilt, and the fact of inadvertent spoiling established, the spoilt ballot paper could be cancelled and a fresh one issued. The Elector was expected to fold the ballot paper before coming out of the screened off compartment and put it into the ballot box. The ballot paper had to be folded in such a way that the official mark at the back of it was visible and could be seen by the Presiding Officer and the polling agents. Care was taken to see that the mark put by the Elector was not visible. The Elector went out of the polling booth through the exit after having inserted his ballot paper into the ballot box.

Visits to Polling Stations.

22. The Members, Election Commission, Regional Election Commissioners and other officers of the Commission visited a few polling stations one day before the polling day to check if proper arrangements had been made. They and the Chief Election Commissioner also visited polling stations on the day of the poll itself to see that the poll was being conducted smoothly and that instructions with regard to the secrecy of ballot were not violated. In particular, they inspected those polling stations about which contesting candidates had conveyed apprehensions of violation of secrecy of ballot. The check indicated that the apprehensions were unfounded and the contesting candidates and their election and polling agents expressed complete satisfaction with the arrangements made, especially with regard to maintenance of secrecy of ballot.

Close of Poll.

23. At the close of the poll the Presiding Officers opened the ballot box or boxes used at the poll. A vote could be considered invalid if there was any doubt about the genuineness of the ballot paper or if the Elector had in any way tried to identify himself on the ballot paper or had not indicated his choice or had indicated a choice for more than one candidate. If the Presiding Officer was satisfied that the choice for a particular candidate had been clearly made, he treated the ballot paper as a clear vote cast in favour of the candidate concerned. The Presiding Officers were told that, in case a ballot paper had not been marked on the space provided for the purpose, and if the cross mark was put in the column of the name or symbol of a candidate, the ballot paper should be taken as valid. The ambiguously marked ballot papers were kept separately and sent in a separate packet to the Returning Officer.

Preliminary count by Presiding Officers.

24. The results of the preliminary count were sent to the receiving centres set up by the Commission. For purposes of expedition, the Southern Divisions, *i.e*, Kalat, Quetta, Karachi, Hyderabad and

Khairpur, conveyed the results to the Deputy Regional Election Commissioner at Karachi ; results from the Divisions of Bahawalpur, Multan and Lahore were passed on to the Regional Election Commissioner, West Pakistan, Lahore and the results pertaining to Constituencies within the Divisions of Rawalpindi, Sargodha, D. I. Khan and Peshawar (including Agencies) were received by the Commission Office at Rawalpindi. The Deputy Regional Election Commissioner, West Pakistan, Karachi, and the Regional Election Commissioner, West Pakistan, Lahore passed on the results to the Commission by telephone. The results in respect of East Pakistan Constituencies were received by the Regional Election Commissioner, East Pakistan, Dacca and conveyed over the telephone to the Commission. The results, except in a very few cases, were received on the day of the poll. This was due mainly to the cooperation of the Telegraph and Telephone Department who had made special arrangements for the quick transmission of messages and prompt booking of trunk calls relating to elections. Radio Pakistan, had also made special arrangements for broadcasting the results of the preliminary count at short intervals.

Despatch of Documents.

25. The Presiding Officers gave copies of the statments of the count and ballot paper accounts to the polling agents, if the latter so desired. The statement of the count, the ballot paper account, the packets containing the ballot papers, the Electors' list and all other documents were sent with the utmost expedition to the Returning Officer by each Presiding Officer. This enabled the Returning Officers to hold the final counts on the dates fixed for the purpose. There was no case, anywhere in the country, where the final count was held up for delay or non-receipt of documents from the polling stations.

CHAPTER XXVII

THE COUNT

The final count.

The polls in respect of the Central Constituencies were taken on the 21st March, 1965, and those for the Provincial Assembly elections on the 16th May, 1965. The Returning Officers completed the final count by the 24th March, 1965, in respect of Central Constituencies and by the 19th May, 1965, in respect of the Provincial Constituencies. It was impressed upon the Returning Officers, especially in case of the Provincial Assembly elections, that the count must be completed and the results conveyed to the Commission in time ; 23rd May being the last date fixed for the publication of results. This date was fixed to meet a constitutional requirement that the results should be published 14 days before the expiry of the term of the then existing Assemblies.

2. The polls for the National Assembly were taken on one day and similarly the Provincial Assemblies polls also were taken in both the wings on one date. The Returning Officers were allowed the discretion to have the final count on any day within three days after the poll. The date for the final count, therefore, varied from Constituency to Constituency. This interval of three days was given to enable the Returning Officers to obtain the results of the preliminary counts together with the documents pertaining to the elections from all the polling stations within each Constituency. The date for the final count in each Constituency was fixed by the Returning Officer keeping in view the distances involved and the means of communications available.

Facilities of inspection of documents.

3. The Returning Officer gave notice in writing to the contesting candidates or their election agents of the date, time and place fixed for the final counting of votes. He also gave reasonable opportunities to the contesting candidates and their election agents to observe the count. No complaints were received by the Commission that proper facilities for inspecting and examining the ballot papers and other documents were not afforded by any Returning Officer. The Returning Officer opened the packets received from the Presiding Officers in the presence of such of the contesting candidates or their election agents as were present and proceeded to count the ballot papers after verifying the correctness of the ballot paper account sent to them by the Presiding Officers.

Grounds for rejection.

4. The Returning Officer rejected a ballot paper only after very careful consideration ; and wherever a ballot paper was rejected the fact of such rejection was recorded on the ballot paper itself with brief reasons for the rejection. A ballot paper marked in a manner so as to indicate clearly the person for whom the Elector had voted was not to be rejected as invalid unless the Elector had tried some how to identify himself. For instance, if a cross mark was not put at the place

provided for the purpose and was, instead, put in the column of the name or symbol of the candidate, the ballot paper was not rejected as invalid. Similarly, if a smudge was found inadvertently put on a ballot paper, the ballot paper was not declared invalid. A ballot paper could be rejected if it bore

(*a*) no official mark or initials of the Presiding Officer ;

(*b*) any mark by which the Elector could be identified ;

(*c*) no prescribed mark indicating the contesting candidate for whom the Elector had voted ; or

(*d*) a mark or marks which failed to indicate clearly for whom the Elector had voted.

5. After the completion of the count the Returning Officer prepared a statement of count in form VII, copies of which were sent to the Commission and to the Regional Election Commissioner. Copies of the statement were also issued to the contesting candidates or their election agents, if they asked for them.

Equality of votes.

6. There were three cases of ties as a result of equality of votes after the final counts held by the Returning Officer under section 38 of the Act in respect of the National and Provincial Assembly elections from East Pakistan. Appeals were filed in all these three cases. In two of the Constituencies, the ties were not resolved as a result of the decision on appeal. The candidates again had secured an equal number of votes. A repoll was, therefore, ordered in each case. In one of these Constituencies, one of the candidates was declared elected as his rival chose to withdraw from the contest before the repoll ; in the other case, the repoll was held and one of two contestants won by an overwhelming majority of votes. In the third case, the decision of the appeal resulted in changes in the number of votes for the contesting candidates and the candidate who then had the highest number of votes was declared elected. In a fourth case, tie resulted from a decision on appeal and a fresh poll was ordered. There were no such ties in West Pakistan so far as the Central Constituencies were concerned. In the Provincial Assembly polls there was only one case in West Pakistan where equality of votes resulted in a tie.

Appeals.

7. Under the provisions of the National and Provincial Assemblies (Elections) Act, 1964 and the Rules framed thereunder, no question relating to the counting of votes which could be raised only in an appeal, and was determinable by the Chief Election Commissioner or the Commission, could be raised by an election petition or before any court or authority whatsoever.

Procedure.

8. A contesting candidate who was aggrieved by any proceedings relating to count was at liberty to prefer an appeal challenging the count. The appeal, in the form of a memorandum, had to state precisely the grounds for appeal and had to be accompanied by a certificate saying

that a copy thereof had been delivered to each of the contesting candidates. Every appeal had to be accompanied by a receipt showing that a sum of Rs. 200 had been deposited in favour of the Secretary, Election Commission or the Regional Election Commissioner concerned by the petitioner at any branch of the National Bank of Pakistan or at a Government Treasury or Sub-Treasury. The appeal addressed to the Commission had to be filed by the aggrieved candidate in person, or through a person authorised by him in writing in this behalf, with the Secretary, Election Commission or with the Regional Election Commissioner at Dacca or Lahore, as the case may be, within seven days next following the date of the declaration of the result by the Returning Officer. The head of account for the deposit was prescribed by rules as "P—Deposits and Advances Part II—Deposits not bearing interest—Civil Deposits—Deposits in connection with elections".

9. The formalities with regard to the filing of these appeals were explained to the general public through the Press and the Radio. In any case where the Commission was satisfied that the appeal was frivolous or vexatious it could order forfeiture of the entire amount of deposit or part thereof. No such case, however, arose.

Delegation.

10. The Commission delegated its powers of hearing the appeals to the Chief Election Commissioner and to each of the two Members. All the appeals except two filed from East Pakistan were, therefore, heard by Mr. Justice Mujibur Rahman Khan and those from West Pakistan by Mr. Justice Sardar Mohammad Iqbal. The Member from East Pakistan expressed the wish that the two appeals from one of the Constituencies in Mymensingh may be heard by the West Pakistan Member as Mymensingh was his (East Pakistan Member's) home district. The Member from West Pakistan, therefore, heard those two appeals.

Number of appeals filed and disposed of.

11. The Commission was empowered, after the parties concerned were given an opportunity of being heard, to dismiss an appeal or to determine the result of the election on the count of valid votes as corrected and to make such consequential orders as may be necessary. There were in all thirteen appeals filed in East Pakistan ; 4 of which related to Central Constituencies and 9 to Provincial Constituencies. Of the four appeals filed from Central Constituencies in East Pakistan, three were dismissed and in one case a repoll was ordered as a result of equality of votes. Seven appeals from the Provincial Constituencies were dismissed and two were accepted. In West Pakistan 19 appeals were filed of which 4 related to the Central Constituencies and 15 to the Provincial Constituencies. The hearings in 14 appeals relating to Provincial Constituencies were deferred by the Member, West Pakistan after he had disposed of 5 appeals (4 relating to Central Constituencies and one relating to a Provincial Constituency). This was found to be necessary as the issues involved in those cases were similar to those in a case which was pending for determination

by the Supreme Court. The last of these pending appeals was decided by the Member on the 26th April, 1966. Of the 4 appeals relating to Central Constituencies, 3 were dismissed and one accepted. Of the 15 appeals relating to Provincial Constituencies, results were upset in 3 cases. In one case, the tie between two contesting candidates was altered on appeal and the one who then had the majority of votes was declared elected. The remaining 11 appeals were either dismissed or even after correction of votes in appeal, the results remained unchanged. In no case was a fresh poll ordered because of equality of votes.

Points for etermination.

12. In the appeals against the final count heard by the Commission the following points came up for adjudication and were determined as mentioned below :—

(1) Some of the ballot papers were marked with a marking aid other than the one officially supplied at the polling station. This was taken as an attempt on the part of the Electors to identify themselves and the ballot papers were, therefore, rejected.

(2) Some ballot papers which had on them other marks, figures, writing etc. in addition to the prescribed cross mark were treated as invalid.

(3) A cross mark on the reverse of the ballot paper was held to have invalidated the ballot paper as the intention of the Elector as to who he wanted to vote for was not clear.

(4) Inadvertent absence of Presiding Officer's signature on a ballot paper which bore the official mark was ignored.

(5) Ballot papers having torn corners or those be-smeared with oily material or ink were held to be valid.

(6) Cross marks in some cases were not put at the appropriate places provided for the purpose. It was held that the cross mark, even if not at the appropriate place, did not invalidate the ballot paper if the intention of the Elector to vote in favour of a particular candidate was clear. Similarly, the inadvertent prolongation of the intersecting lines of the cross mark to the blank space provided against the name of another candidate, while the main cross mark remained in the column provided against the name of one of the contesting candidates, did not render it invalid.

(7) The signature of the Elector and any other writing on the counterfoil extending on to the ballot paper itself was held to have invalidated the ballot paper.

(8) A ballot paper on which the official seal as well as the initials of the Presiding Officers were missing and one with a star mark instead of the cross mark were deemed to have been correctly rejected.

(9) At one of the polling stations a ballot paper was shown by an Elector, after it had been marked, to another Elector in the polling booth, in the presence of the Presiding Officer. The Presiding Officer made a note of it on the ballot paper, before it was inserted in the ballot box. It was held that the ballot paper was correctly rejected at the final count.

(10) One of the two intersecting straight lines of a cross mark put more distinctly than the other, or the cross bearing a double line at one of the ends or double impression on the cross mark or two ends of the intersecting lines of a cross mark meeting each other were not deemed as sufficient reason for invalidating a ballot paper.

(11) Foreign articles like currency notes, threads, coins, paper with some writing on it etc. enclosed with the ballot papers were not held to have invalidated the ballot papers in the absence of proof of prearrangement.

Rule 11 of the National and Provincial Assembly (Elections) Rules 1965 prescribed that the mark to be put on the ballot paper should be *one* cross mark in any form and no other mark. Conflicting decisions were, however, given by the two Members in two different cases. The Member from East Pakistan held a ballot paper marked with two crosses as invalid, whereas the Member from West Pakistan, basing his decision on a reported case of Woodward *Vs.* Sarsons, held that the presence of two cross marks would not invalidate that ballot paper as connivance or prearrangement could not be proved in evidence in that case.

CHAPTER XXVIII

ELECTION EXPENSES

Returns of Election Expenses.

Every election agent of a contesting candidate or the candidate himself, if acting as his own election agent, was required to file with the Returning Officer a return of election expenses within 35 days after the publication of the name of the returned candidate by the Commission. This return prescribed statements of—

(i) all payments made duly supported by bills and receipts except in cases where the amount incurred was less than twentyfive rupees ;

(ii) personal expenditure incurred by the contesting candidate ;

(iii) disputed claims, if any ;

(iv) un-paid claims, if any ; and

(v) a statement of all moneys, securities or equivalent of moneys received from any person for the purposes of election expenses specifying the name of every such person.

The return was to be accompanied by an affidavit sworn severally by the contesting candidate and his election agent, and, if no election agent was appointed, by the candidate only. During the 1962 elections, the submission of election expenses return was to be made within a period of 15 days next following the day on which the result of elections was declared by the Returning Officer. This resulted in a lot of difficulty in reckoning the exact last date by which returns were to be filed in each Constituency. The present law made it simpler for the Commission and the Returning Officers to ascertain the date by which the returns were to be submitted.

2. While the law relating to 1965 elections was still on the anvil, it was felt that the limit of election expenses prescribed by the 1962 election laws was too low. The limit of election expenses then was Rs. 2,000 in respect of a National Assembly seat and Rs. 1,000 in respect of a Provincial Assembly seat. Experience showed that the limits, to be realistic, needed an upward revision. The law met the need by increasing the limits of election expenses to Rs. 15,000 in case of an election to a seat in the National Assembly and Rs. 10,000 in case of election to a seat of a Provincial Assembly.

3. In addition to this expenditure, personal expenditure up to Rs. 200 could be incurred by a contesting candidate, as in the 1962 law. In that law a provision existed to the effect that if personal expenses exceeded the limits of Rs. 200, the excess of such an expenditure could be accounted for as election expenses. The provision, as now embodied in section 49 of the Act, does not permit the excess over Rs. 200 being accounted for towards election expenses. Some of the candidates failed to distinguish between election expenses and personal expenses, and erred in showing the personal expenses in excess of Rs. 200 while the permissible limit of other election expenses left sufficient margin to accommodate the excess of personal expenses being reckoned as election expenses. The Returning Officers were, therefore, instructed not to prosecute such contesting candidates for contravention of the provisions of section 49, if the overall limits of Rs. 15,200 (election expenses plus personal expenses) in respect of Central Constituencies and Rs. 10,200 (election expenses plus personal expenses) in respect of Provincial Constituencies were not exceeded. The Government has been requested to amend the law so as to permit the adjustment specifically.

4. The last date for submission of election expenses returns relating to Provincial Constituencies fell on a Sunday (being the 27th June, 1965). The Returning Officers were asked to deem the election expenses filed on the 28th June, 1965 as having been filed in time.

5. Certain instances came to notice where election expenses returns though filed in time were not accompanied by necessary affidavits. The Returning Officers were instructed that where returns were filed in time but affidavits, vouchers, bills, etc. did not accompany them or were submitted in a defective form, the returns should be deemed as having been filed in time and affidavits etc. and other formalities with regard to their proper filing got completed subsequently.

6. The Returning Officers alerted all the contesting candidates that submission of election expenses returns was an obligatory provision. They also informed them of the last dates for submission of returns and warned them that delays in their submission or non-submission would automatically entail legal action.

7. The election expenses returns submitted to a Returning Officer, along with the connected documents, were kept open for inspection at the Returning Officer's office. These documents were open to inspection, on payment of a fee of one

rupee, for a period of one year from the date of their submission. Copies of these documents could also be obtained on payment of one rupee for the first 200 words or less and fifty paisas for every additional 100 words or fraction thereof. Every application for inspection of documents, or for supply of a certified copy thereof, was to be accompanied by court fee stamps of the requisite value.

Penalty.

8. A person was guilty of corrupt practice punishable with imprisonment for a term which could extend to two years, or with fine which could extend to Rs. 1,000, or with both, for contravening the provisions of section 49 relating to election expenses and personal expenses in excess of the limits mentioned above. Similarly, failure to comply with the provisions of section 50 with regard to the submission of election expenses returns within 35 days after the publication of the name of the returned candidate by the Commission was an illegal practice punishable with fine which could extend to five hundred rupees.

9. Due to enhancement in the limit of election expenses from Rs. 2,000 to Rs. 15,000 in case of Central Constituencies and Rs. 1,000 to Rs. 10,000 in case of Provincial Constituencies, no cases were reported where legal action was necessary for excessive election expenses. A few cases were, however, reported by the Returning Officers where legal action had to be initiated against the election agents, or the contesting candidates acting as their own election agents, for non-submission or delayed submission of returns. The total number of cases taken to courts in respect of Central Constituencies was 22 (11 East Pakistan and 11 West Pakistan). Of these 6 were due to delayed submission and 16 due to non-submission of election expenses returns. Legal proceedings were also launched in 58 cases of Provincial Constituencies of East Wing and 25 of the West Wing. Out of this aggregate of 83 cases, 61 prosecutions were launched for non-submission of returns and 22 for delayed submission.

Disposal of 1962 election cases.

10. After the 1962 elections, 581 persons were prosecuted for contravention of the provisions relating to election expenses. This number, however, did not take into account, the defaulters from Tribal Areas who were generally not prosecuted as it was felt that Tribal status of the Maliks would thereby be questioned in the Tribal Areas and create problems for the administration. The Tribal Maliks were excluded from prosecution also because elections in the Tribal territories were the first of the kind and the Tribes-men were not fully conversant with the provisions

of election laws. As compared to the considerably high figure of prosecutions in 1962, the number of prosecutions launched in 1965 was much smaller. Of the 581 cases filed with the various courts in 1962, 365 cases ended in convictions. The convicted persons could have been disqualified from being, or being elected as, member of an Assembly for a period up to four years. A general amnesty was, however, granted by the Chief Election Commissioner. This was done in view of the fact that the candidates in particular, and the public in general, were not aware of the action that could be taken against defaulters for contravention of legal provisions. Although the number of prosecutions launched before the courts as a result of non-submission and delayed submission of returns in respect of 1965 elections was considerably lower, yet it was not proposed to grant a general amnesty to the persons convicted and each case is being decided on its own merits.

11. Of the 105 cases referred to the courts after the 1965 elections, 67 have ended in conviction and 9 in acquittal till the 31st October, 1966. The remaining 29 cases are *sub judice*. 42 of the convicted persons have been disqualified by the Chief Election Commissioner under section 104 of the National and Provincial Assemblies (Elections) Act for periods ranging from one to two years from being, or being elected as, members of the Legislatures. Of the remaining 25 convicted persons 11 have been pardoned with or without warning taking into account the circumstances of each case and action against the remaining 14 persons is in progress. **Disposal of 1965 cases.**

CHAPTER XXIX

SETTLEMENT OF DISPUTES

Election Petitions.

Article 171 of the Constitution provides that provision shall be made by law for disputes, other than those arising in connection with the counting of votes at an election, to be determined by a Tribunal established for that purpose. The Constitution further provides that no dispute arising in connection with an election shall be decided otherwise than under such a law, and the validity of such an election shall not be called in question except in accordance with such a law.

2. The relevant law governing the settlement of disputes was embodied in Chapter VI of the Act. It prohibits the calling into question of an election except by an election petition; nor may a question that can be raised by an election petition be raised before any court or authority. The law, however, precluded the Tribunals or any Court from entertaining cases relating to count which the Commission alone was competent to dispose of.

Manner of filing petitions.

3. An election could be challenged through an election petition presented by a candidate—

(a) in person or through a representative authorised by him in writing in this behalf; or

(b) by registered post; and not otherwise.

The petition, to be addressed to the Chief Election Commissioner, had to be filed within sixty days after publication of the name of the returned candidate. The petition had to be accompanied by a receipt showing that the petitioner had deposited a sum of Rs. 750 as security for the costs of the petition, in favour of the Chief Election Commissioner, at any branch of the National Bank of Pakistan or at a Government Treasury or Sub-Treasury. It was widely publicised that the head of account shall be the same as prescribed by Rules for the filing of appeals.

4. A petitioner was required to join as respondents to his election petition all the contesting candidates or any other candidate against whom allegations, if any, of a corrupt or illegal practice were made and to serve the Memorandum of petition in person or by registered post on each respondent. The Memorandum of petition was to contain—

(i) a precise statement of material facts on which the petition was based;

(ii) full particulars of the corrupt or illegal practice or other illegal act alleged to have been committed ;

(iii) a statement of the names of the parties alleged to have committed such corrupt or illegal practice or illegal act ;

(iv) the date and place of the commission of such corrupt or illegal practice or act ; and

(v) a precise statement of the relief claimed.

Every election petition and every schedule or annex to the petition was to be signed by the petitioner and verified by him in the manner laid down in the Code of Civil Procedure, 1908 (Act V of 1908), for the verification of pleadings.

5. The procedure for filing of election petitions, indicating all the necessary details, together with the time limits involved, was widely made known to the public through the press and the radio. It was also published that the election petitions could be filed in the office of the Commission at Rawalpindi or with the Regional Election Commissioner of the Province to which the petition related.

Statistics of petitions filed.

6. In all, 59 election petitions were filed. Of these, 19 related to East Pakistan and the remaining 40 to West Pakistan. Of the 19 East Pakistan election petitions, 6 related to the Central Constituencies and 13 to Provincial Constituencies. Out of the 40 election petitions pertaining to West Pakistan, 18 were in respect of elections to Central Constituencies and 22 in respect of Provincial Constituencies.

Dismissal by Chief Election Commissioner in certain cases.

7. The Chief Election Commissioner was competent to dismiss an election petition under section 60 of the Act if he found that—

(a) it had not been presented within a period of 60 days after publication of the name of the returned candidate ; or

(b) proof in the form of a receipt, showing that a sum of Rs. 750 as security for the cost of the petition had been deposited by the petitioner at any branch of the National Bank of Pakistan or at a Government Treasury or Sub-Treasury in favour of the Chief Election Commissioner was not furnished.

8. An election petition could not be dismissed except on the grounds mentioned above. Only one petition was dismissed by the Chief Election Commissioner as being time-barred, having been filed four days after the last date.

Tribunals. 9. At the time of completion of elections, the possibility of appointing two Tribunals in each Province was explored, firstly, in view of the expected increased number of election petitions and secondly, with the object of accelerating the pace of disposals. Considering the limited number of election petitions ultimately filed, one Election Tribunal for each Province was considered sufficient.

10. A Tribunal was to consist of the following—

(a) a Chairman, being a person who was or had been, or was qualified to be a Judge of a High Court;

(b) a person who had, for a period of not less than ten years, been an advocate of a High Court; and

(c) a person who had held office as a District Judge or an Additional District Judge for a period of not less than 3 years.

Accordingly, the two Tribunals were constituted as follows—

(i) *East Pakistan Election Tribunal with headquarters at Dacca.*

1. Mr. Justice M. Idris, Judge, East Pakistan High Court Dacca. .. *Chairman.*

2. Mr. Muhammad Ibrahim, (the then) Law Secretary, Government of East Pakistan, Dacca. .. *Member.*

3. Mr. Shamsuddin, Senior Advocate, East Pakistan High Court, Dacca. .. *Member.*

(ii) *West Pakistan Election Tribunal with headquarters at Lahore.*

1. Mr. Justice Masud Ahmad (Retd.), 92|D|1, Gulberg, Lahore. .. *Chairman.*

2. Sh. Abdul Hamid, Special Judge, Anti-Corruption, Lahore. .. *Member.*

3. Syed Fiaz Hassan, 98|A, Gulberg, Lahore. .. *Member.*

All the Election petitions filed with the Commission except the one dismissed by the Chief Election Commissioner, were referred to these Tribunals.

Points raised in Petitions. 11. Some of the main points raised in these petitions were—

(i) Submission of false returns by omission of certain expenditures.

(ii) Entertainment of Electors at dinners and parties with a view to winning their support.

(iii) Use of transport for conveying voters to and from the polling stations.

(iv) Bribing of Electors.

(v) Entertaining Electors on the eve of projection meetings.

(vi) Detention and illegal confinement of Electors.

(vii) Pressure by police and by the executive in support of certain candidates.

(viii) Violation of provisions relating to secrecy of ballot.

(ix) Giving publicity to false rumours and mis-statements.

(x) Securing of votes on sectarian basis and 'baradari' affiliations.

(xi) Undue favour by polling personnel of certain candidates.

(xii) Age of candidate being less than 25 years.

(xiii) Candidate holding alleged office of profit.

(xiv) Voting by such arrangements as to identify Electors by enclosing foreign articles with the ballot papers or putting identifying marks on them.

(xv) Alleged disqualification due to compulsory retirement from Government service for bad record.

Disposal of 1962 petitions.

12. The 100 election petitions filed after the 1962 general elections were disposed of as follows :—

Seven of these petitions were dismissed by the Chief Election Commissioner. 93 were left to be disposed of by the three Election Tribunals then appointed. These Election Tribunals were in the first instance established for a period of six months and had their headquarters at Dacca, in East Pakistan and at Lahore and Karachi, in West Pakistan. The break-up of the number of cases entrusted to the three election Tribunals was as under :—

1. Dacca Election Tribunal	18
2. Lahore Election Tribunal ..	75
3. Karachi Election Tribunal	

13. While the Lahore Election Tribunal was dissolved as a measure of economy on the 15th June, 1963, the Dacca Election Tribunal and the Karachi Election Tribunals functioned upto 31st July, 1965 and 31st October, 1963 respectively. Presidential Order No. 1 of 1963 amended article 11 of the Settlement of Disputes (First Elections) Order, 1962 and had the effect of reducing

the time available for filing election petitions with retrospective effect. The Lahore Election Tribunal disposed of 24 cases before its dissolution and 19 cases pending before it, at the time it was dissolved, were transferred to the Karachi Tribunal. As a result of the amendment 14 election petitions were treated as time barred leaving 17 cases with the Dacca Election Tribunal and 38 with the Karachi Election Tribunal. As a result of bye-elections during the last half of the year 1962 and the years 1963 and 1964, 5 election petitions were filed with the Dacca Election Tribunal and 3 with the West Pakistan Election Tribunal making the total number of election petitions registered for disposal by these Tribunals as 23 and 78 respectively.

14. The Tribunals were created for a period of six months in the first instance but as the proceedings before them were protracted they had to be continued till 1st March, 1965 in West Pakistan and till 31st July, 1965 in East Pakisan.

15. Of the 78 cases with the West Pakistan Election Tribunals 74 were dismissed. It was only in one case that a contesting candidate having attained the next highest number of votes was declared elected ; in all other cases, elections were declared void. In East Pakistan, the number of petitions dismissed was 18 and in 5 cases the elections were either declared void as a whole or the election of the successful candidate was declared void.

16. In two cases, orders of disqualification were passed by the Chief Election Commissioner under article 77 of the National and Provincial Assemblies (First Elections) Order, 1962 as the successful candidates were found guilty by the Tribunals under paragraph (2) of clause (2) of article 26 of the Settlement of Disputes (First Elections) Order, 1962 (P. O. No. 13 of 1962) of having committed corrupt or illegal practices. As the High Courts held in these cases that the amendment of article 77, which provided for disqualification of those found guilty of having committed corrupt or illegal practices, was inserted after the elections to which these disqualifications related, the disqualifications imposed were illegal. The orders of disqualification were accordingly withdrawn by the Chief Election Commissioner in both the cases.

17. Some of the main points on which petitions were accepted by the Tribunals are,—

(i) Bribing of Electors by way of entertainment.

(ii) Transporting Electors to and from the polling stations.

(iii) Fanning of sectarian prejudices.

(iv) False accounts in the election returns.

(v) Canvassing by Government officials in favour of certain candidates.

(vi) Use of Government transport.

18 The Representation of the People Act, 1957 imposed a disqualification on "contractors" for being or being elected as member of an Assembly. In some of the petitions, it was contended that the said disqualification would operate within the meaning of Article 103 (2) (e) of the Constitution; being a disqualification "under any law" inspite of the absence of a provision to that effect in P. O. No. 4 of 1962. The Representation of the People Act, 1957 was repealed with retrospective effect while the cases referred to above were *sub judice* before the Supreme Court. The repeal of the Act led to the dismissal of these cases and contractorship no longer remained a disqualification.

19. The orders passed by the Chief Election Commissioner transferring one of the election petitions to another Tribunal necessitated the creation of a second Election Tribunal for West Pakistan. This Election Tribunal was headed by Mr. Justice S. A. Mahmud and had the same two Members on it as were appointed on the first Tribunal. Later, two more Members were appointed so as to permit simultaneous sittings of the two Tribunals. So far, three cases have been transferred to the Second Election Tribunal under orders from the Chief Election Commissioner and are *sub judice*.

Creation of third Election Tribunal.

20. Of the 19 Election petitions referred to the East Pakistan Election Tribunal, twelve have been disposed of till the end of October, 1966. In West Pakistan, the number of election petitions originally referred to the Election Tribunal was 39. To this number 4 more election petitions have been added as a result of bye-elections and decision on appeals. Of this aggregate number of 43 election petitions filed in West Pakistan, 17 have been disposed of. In none of the petitions disposed of in East and West Pakistan till the end of October, 1966, has the result of an election been upset.

Disposal of 1965 Election petitions.

CHAPTER XXX

PUBLICITY

Need for publicity.

Election activity was spread over a period of 14 months from May, 1964 to June, 1965. During this period, elections to the Electoral College, to the office of the President and to the National and Provincial Assemblies were held each under a separate Act. The first stage, *viz.* the constitution of the Electoral College of Pakistan, involved registration of nearly 50 million voters, delimitation of 80,000 electoral units and holding of 80,000 elections throughout the country. The attendant work included appointment of thousands of Delimitation and Registration Officers and polling personnel, location and setting up of polling stations, allocation of symbols for nearly 1,81,000 contesting candidates and procurement and supply of ballot boxes and other material necessary for the polls. These were the first elections under the constitution based on adult franchise and the electorate had to be educated thoroughly about the role they were required to play at each step. The officials and the polling personnel also had to be informed and trained. The briefing of these officials was a big task by itself and required constant dissemination of knowledge and information about the law, rules and procedural details.

2. The Presidential election was of immense importance as it was the first election ever held in the country to the high office of the Head of the State. In a Presidential form of Government, the President initiates all policies of the state and therefore his election had assumed even greater importance. Therefore, one of the main responsibilities of the Commission was to acquaint the members of the Electoral College with the election manifestos of the contesting candidates by holding projection meetings and thereby afford equal opportunity to the candidates to address the Electors and give the electorate opportunities of putting questions to the candidates having a bearing on their candidatures.

3. The National and Provincial Assembly elections were also of great importance. The holding of projection meetings for these elections also required a great organisational effort.

Programme.

4. An elaborate publicity programme for all these activities had to be planned and implemented.

5. The objectives of publicity were as follows :

(i) To create good-will and confidence in the working of the Commission as an independent constitutional body.

(ii) To inculcate in the masses a sense of responsibility about the exercise of their right of vote.

(iii) To explain the laws, rules and procedures to the electorate at various stages of elections.

(iv) To brief and train the officials about their duties and responsibilities.

(v) To acquaint the electorate and the people in general with the programmes of the contesting candidates through projection meetings.

6. To achieve the objectives outlined above, all the media of publicity available in the country were made use of, *viz.*—

(i) The Press,

(ii) Radio,

(iii) Films,

(iv) Booklets, hand-bills, posters and cinema slides.

7. At the very outset, the Chief Election Commissioner addressed press conferences at Karachi, Dacca, Lahore, Peshawar and other places on the working of the Commission, various stages of the election schedule, provisions of the Constitution and the laws and rules thereunder and the role these elections were destined to play in the future of the country. The Chief Election Commissioner explained to the press the guiding principles for delimitation, the district/sub-divisional-wise allocations of seats on the basis of 1961 census, the appointment of Provincial Election Authorities and their functions, procedure for registration of voters and disposal of claims and objections etc. He further apprised the press of the fact that draft rules for the Electoral College elections, as prepared by the Secretariat of the Commission, were sent to the Central Government, and preliminary work had already started simultaneously on delimitation and registration in anticipation of the promulgation of these rules. He said that the laws relating to the Presidential Election, Referendum and elections to the National and Provincial Assemblies would entail detailed consideration in the National Assembly. He appealed to the press, in the meantime, to prepare the people for participation in the elections by stressing their rights and duties in this behalf. **Press.**

8. The Chief Election Commissioner pointed out that provision had been made in the Electoral College Act to check interference by officials during elections and to prevent and punish malpractices by candidates, their agents and the voters and that it would be the earnest endeavour of the Commission to ensure that these provisions were made known generally and

utilised for the prevention of illegal and corrupt practices. The Chief Election Commissioner further observed that although the law had made ample provisions to deal with those who indulged in corrupt practices, it would not be possible to eliminate corruption without the sincere and whole-hearted cooperation of the people. It was essential that every individual should regard the provisions of law as a means of helping society to attain certain desirable ends. If such an attitude of mind was not cultivated, no code of law could either put a stop to corrupt practices or bring about a revolution in the character of the society or community.

9. The Members of the Commission maintained close liaison with the Press and the Radio in their respective Provinces during the Presidential and Assembly elections. They addressed frequent press Conferences to clear doubts and misgivings from the public mind and to explain the procedures involved in these elections. They also toured their Provinces extensively with a view to impressing upon the officers the need for ensuring free and impartial polls and to inform the public with regard to the procedural details of the elections.

10. These conferences had their full impact on the press which gave top priority to news relating to elections. Press notes and releases regarding various stages of the elections, issued from time to time by the Public Relations Branch of the Secretariat of the Commission, were carried in full, and prominently displayed, in all the papers of the country in the national and regional languages. Many a time the press kept open space for late releases till after midnight. The press made full use of the background material provided by the Public Relations Branch, in keeping the electorate posted with the latest developments at every stage of activity. Notices about delimitation and registration of voters giving the last dates of filing objections etc. were also published prominently as advertisements in all the widely read papers of the country. An expenditure of about Rs. 32,000 was incurred on these advertisements.

Radio.

11. Radio Pakistan proved of immense value in providing information to the public. Meetings were held with Radio Pakistan authorities to plan, coordinate and review the work of election publicity. It was decided that :—

(i) Master scripts of talks and features should be supplied by the Public Relations Branch to Radio Pakistan for broadcasts in the general, rural and other special programmes.

(ii) Scripts of spot announcements and slogans should be supplied by the Public Relations Branch of the Election Commission periodically; indicating the periods during which they were to be put across.

(iii) Regular liaison be maintained between the Commission and Radio Pakistan till the end of the proceedings.

12. In accordance with these decisions, master scripts of talks and features were regularly supplied to all stations of Radio Pakistan. Officials of the Public Relations Branch visited the regional stations to brief the script writers and broadcasters on the requirements of publicity and to review the progress of work done. The Directorate General of Radio Pakistan kept the Public Relations Branch informed of the coverage given by them to election publicity and the use of the background material supplied to them, through fortnightly returns of station-wise broadcasts. The total output of broadcasts relating to elections was about 9 hours a week.

13. Full publicity was given to the proceedings of the projection meetings in the national hook-up. Recordings of the addresses of all the Presidential candidates and the questions put to them with their answers were broadcast and objective reports of the proceedings of the meetings were repeated in the news bulletins.

14. The results of the Presidential election were announced through special half-hourly broadcasts which were fed by bulletins issued by the Commission giving the latest information as received by telephone from polling stations all over the country. These bulletins were like-wise given to the members of the press who were present in large numbers in the office of the Commission. Thus, within three hours of the close of poll complete results were announced to the nation. This included results from far flung areas like Kalat, Baluchistan and the Tribal Belt in West Pakistan and the Chittagong Hill Tract in East Pakistan. The results of Assembly elections were in the same manner given expeditiously for public information.

15. Films regarding registration operations and conduct of polls were exhibited in all the cinema houses of the country with a view to acquainting the people with procedural details. These films were prepared by the Department of Films and Publications in consultation with the Commission and helped in creating the right atmosphere for fair and smooth elections.

Booklets, posters and cinema slides.

16. Booklets giving the duties of Returning and Presiding Officers, posters regarding secrecy of the ballot, hand-bills enumerating the 'does' and 'don'ts' were published and circulated in large numbers. Cinema slides regarding the importance of voting and other details were exhibited in all the cinema houses of the country in national and regional languages.

Meetings with District Officers.

17. Officials of the Commission held meetings at district levels with local authorities to guide and coordinate local publicity. Gatherings at community centres, fairs and festivals were made use of to acquaint people with the procedure of elections through audio-visual publicity.

Training of polling personnel.

18. In addition to the detailed directives issued by the Commission from time to time about the procedure to be followed in elections, the officials of the Commission undertook extensive tours of various districts to impart training to election personnel. Model polling stations were also set up at District headquarters with a view to training the District officials. It was ensured that the Presiding Officers and their polling officers understood the operation of the ballot box which had a mechanical self-locking device and the procedure to be adopted at the beginning and close of the poll. The Assistant Directors, Basic Democracies, who were mainly entrusted with the work relating to elections, by the District Officers, helped in training the polling personnel, as it was not possible for the officers of the Commission to undertake this work throughout the length and breadth of the country. The officers of the Commission, therefore, maintained a close liaison with the Directors and Assistant Directors of Basis Democracies at the Divisional and District headquarters.

19. The effectiveness of this publicity can be judged by the high percentage of polling at all elections. Nearly 3,14,17,000 voters exercised their right of vote in the polling for the Electoral College which comes to about 77.67% of the total electorate for the contested elections. In the Presidential and Assemblies' elections, the percentages were—

(a) 99.63% in case of Presidential Elections.

(b) 98.12% in case of National Assembly Elections.

(c) 98.14% in case of Provincial Assembly Elections.

CHAPTER XXXI

ELECTIONS TO THE SEATS EXCLUSIVELY RESERVED FOR WOMEN

The Chief Election Commissioner notified *vide* Notification No. F. 1 (3)|65-Els., dated the 8th May, 1965 the five zones into which each Province was divided by him for purposes of election of members to the seats in the Provincial Assemblies and also the three zones into which each Province was divided for purposes of election of members to the seats in the National Assembly reserved exclusively for women. The zones for the Provincial Assemblies were formed by grouping together an equal number of contiguous Provincial Constituencies and similarly the zones for the National Assembly elections were constituted by grouping together an equal number of contiguous Central Constituencies as required under Article 162 of the Constitution read with section 4 of the National and Provincial Assemblies (Elections) Act, 1964, as amended by Ordinance No. VI of 1965. **Delimitation.**

2. The Constitution provided that after a general election of members of a Provincial Assembly, the persons elected as members shall, before the first meeting of the Assembly, elect five members to the seats in the Assembly reserved exclusively for women so that there was one woman member for each zone. Similarly, the members elected to the National Assembly from a province shall, before the first meeting of the National Assembly, elect three members to the seats in the National Assembly reserved exclusively for women from that province so that there was one woman member representing each such zone. **Voters.**

3. Directions for the conduct of these elections were to be framed by the Commission under section 45 of the National and Provincial Assemblies (Elections) Act, 1964. The Directions issued in 1962 under P.O. No. 4 of 1962 were suitably modified for elections to the seats in the National Assembly and to each of the Provincial Assemblies and issued by the Commission on the 21st May, 1965. The Directions were published in the *Gazette of Pakistan, Extraordinary* of the same date *vide* Notification No. F. 2 (29) |65-Els. (I), dated the 21st May, 1965. A copy of the Directions is given at Appendix 'KK'. **Commission issues Directions.**

4. The Commission directed that the 150 elected members of a Provincial Assembly should vote for each of the five reserved seats in the Provincial Assembly and that similarly all the 75 members of the National Assembly from a Province

should vote for each of the three seats reserved exclusively for women from the Province in the National Assembly. They were entitled to nominate and second candidates accordingly.

Programme. 5. As required in para 2 of the Directions, the Commission, by its Notification No. F. 2(29)|65-Els. (I), dated the 22nd May, 1965 (published in the *Gazette of Pakistan, Extraordinary* of the same date) invited nominations for the women's seats in the National Assembly and the Provincial Assemblies of East and West Pakistan and fixed the following programme for these elections :—

PROGRAMME

National Assembly of Pakistan :

1. Nominations	On or before	8-6-65	by 10·00 a.m.
2. Scrutiny	On	8-6-65	at 10·30 a.m.
3. Appeals, if any, to be filed.	On	8-6-65	before 2·00 p.m. (Appeals to be taken up for hearing immediately thereafter).
4. Disposal of appeals ...	Before	9-6-65	9·00 a.m.
5. Withdrawals		9-6-65	before 10·00 a.m.
6. Projection meeting at Ayub Hall, Rawalpindi.		9-6-65	10·30 a.m.
7. Poll at Ayub Hall, Rawalpindi.		9-6-65	2·30 p.m.
8. Counting of votes and declaration of results.		9-6-65	immediately after the poll.

Provincial Assemblies :

1. Nomination papers to be filed with the Returning Officers at Dacca/Lahore.	On or before	5-6-65	by 10·00 a.m.
2. Scrutiny	On	5-6-65	(10·30 a.m.).
3. Appeals, if any, to be filed with the Returning Officer.	On	5-6-65	before 2·00 p.m. (Appeals to be taken up for hearing immediately thereafter).
4. Disposal of appeals ...	Before	6-6-65	9·00 a.m.
5. Withdrawals		6-6-65	before 10·00 a.m.

6. Projection meetings to be held.	On	6-6-65 (10·30 a.m.	(For East Pakistan) Provincial Assembly Building, Tejgaon, Dacca. (For West Pakistan) Assembly Building, Lahore.
7. Polling	... ... On	7-6-65 at 9·00 a.m.	(For East Pakistan) Provincial Assembly Building, Tejgaon, Dacca. (For West Pakistan) Assembly Building, Lahore.
8. Counting of votes and declaration of results.		7-6-65 immediately after the poll.	

6. The programme, in respect of Provincial Assembly reserved seats, was later slightly altered ; the date for withdrawals and projection meetings was changed from 6th June, 1965 to 7th June, 1965 and that for the poll, the counting of votes and declaration of results from 7th June, 1965 to 8th June, 1965. These modifications were notified *vide* Commission's Notification No. F. 2(29)|65-Els. (I), dated the 31st May, 1965.

7. As required under para. 3 of the Directions, the Commission appointed the following as Returning Officers, Assistant Returning Officers, and Polling Officers for elections to the seats exclusively reserved for women in the National Assembly and each of the Provincial Assemblies *vide* Notification No. F. 2(29)| 65-Els. (II), dated the 22nd May, 1965 :— **Returning officers and Assistant Returning Officers.**

National Assembly of Pakistan

Returning Officers	*Assistant Returning Officers*	*Polling Officers*
Secretary, Election Commission, Rawalpindi.	1. Regional Election Commissioner, East Pakistan, Dacca.	1. Mr. Motahar Hussain, Section Officer, Election Commission, Rawalpindi.
	2. Regional Election Commissioner, West Pakistan, Lahore.	2. Mr. Omer Mohajir, Section Officer, Election Commission, Rawalpindi.
	3. Dy. Secretary, Election Commission, Rawalpindi.	3. Mr. S. A. Wahab, Section Officer, Election Commission, Rawalpindi.

Provincial Assembly of East Pakistan

Regional Election Commissioner, East Pakistan, Dacca.	Assistant Regional Election Commissioner, East Pakistan, Dacca.

Provincial Assembly of West Pakistan

Regional Election Commissioner, West Pakistan, Lahore.	Assistant Regional Election Commissioner, West Pakistan, Lahore.

8. The Returning Officers issued circular letters to the Members of the National Assembly and the Members of each of the Provincial Assemblies informing them that they were required to elect the women representatives from the zones. Each one of them could nominate or second the candidature of one woman. The programme of elections, along with a copy of the Directions, was provided to them. The Members were requested to be present at the projection meetings and at the polls. They were advised not to depart before the announcement of results as in the event of an equality of votes their presence would be required for a repoll.

List of voters. 9. The list of voters for these elections was prepared from the Gazette Notifications containing declarations of results of the general seats. The Members returned to the National Assembly from each of the seventyfive Constituencies from a wing were to form the list of voters for three seats in the National Assembly from the Province. Similarly, 150 Members of each of the Provincial Assemblies were to form the voters list for the five seats in the Provincial Assembly. The list for East Pakistan was complete and contained all the 75 names. In West Pakistan, however, the list contained only 74 names as the name of one Member could not be included due to a prohibitory order from the Supreme Court that no candidate from the constituency be allowed to take oath in the Assembly till the case before that Court had been decided. In the list for the East Pakistan Provincial Assembly, 148 names were entered and 149 persons were contained in the list meant for elections to the reserved seats in the West Pakistan Provincial Assembly. The results in two cases in East Pakistan and in one case in West Pakistan had not been finally declared as there were appeals against count pending in these cases.

Nominations. 10. Any person whose name appeared on the relevant list of voters could nominate and any other such person could second the name of a woman candidate to be a member of the Assembly to represent a zone. Every nomination was made by a separate nomination paper for which the same form, as for the

general seats, was prescribed. The requirement of submission of certificates by the proposers and the declaration, oath or affirmation by the person nominated were to be complied with. An extract from the electoral roll for any electoral unit in Pakistan where the candidate's name appeared under the Electoral College Act, 1964 was to accompany the nomination paper in respect of the reserved seats in the National Assembly. Similarly, in the case of the reserved seats in a Provincial Assembly, an extract from the electoral roll for an electoral unit in that Province was necessary. The nomination papers were to be delivered to the Returning Officer on or before the date, and within the time, fixed for the purpose. In case of reserved seats for the National Assembly, the Assistant Returning Officers were authorised to receive nomination papers up to a specified date and forward them on to the Returning Officer at Rawalpindi for purposes of scrutiny. A deposit of 1,000 rupees for election to a reserved seat of the National Assembly and a sum of Rs. 500 as deposit for election to a reserved seat of a Provincial Assembly was prescribed. The receipt of nominations, the formalities to be observed by the Returning Officers with regard to the issue of receipts for cash deposits, maintenance of registers connected therewith, issue of acknowledgements for receipt of nominations and other details were the same as in case of elections to general seats. It was not necessary that the proposer and the seconder should belong to the zone from which the person nominated was seeking election but no voter could propose or second the nomination of more than one candidate.

11. In respect of each of the seats exclusively reserved for women in the National Assembly from the two Provinces, nomination papers were filed in respect of only one candidate from each zone. Similarly, in respect of the 5 seats exclusively reserved for women in the Provincial Assembly of West Pakistan, nomination papers were filed in respect of only one candidate from each zone. The number of nomination papers filed in favour of each candidate is given below :—

Name of the Zone	Number of candidates	Number of nomination papers filed
1	2	3
NE-76 Zone I	1	1
NE-77 Zone II	1	1
NE-78 Zone III	1	1

1	2	3
NW-76 Zone I	1	1
NW-77 Zone II	1	1
NW-78 Zone III	1	1
	6	6
PW-151 Zone I	1	2
PW-152 Zone II	1	5
PW-153 Zone III	1	2
PW-154 Zone IV	1	2
PW-155 Zone V	1	4
	5	15

While there was only one candidate for PE-151 Zone I, nominations were filed in favour of ten candidates for the remaining four seats reserved exclusively for women in the Provincial Assembly of East Pakistan. The break-up of 18 nomination papers filed in favour of the 11 candidates from the five zones from East Pakistan is indicated below :—

Name of the Zone	Number of candidates	No. of nomination papers filed
PE-151 Zone I	1	4
PE-152 Zone II	2	2
PE-153 Zone III	2	2
PE-154 Zone IV	2	3
PE-155 Zone V	4	7
	11	18

Scrutiny.

12. As the nominations filed in respect of National Assembly zones and the Provincial Assembly zones for West Pakistan were not objected to, the nomination papers filed in respect of the 6 National Assembly zones and 5 Provincial Assembly zones of West Pakistan were accepted and the candidates declared elected unopposed. In PE-151 zone I, nomination papers were filed in favour of only one candidate who was returned unopposed to the Provincial Assembly of East Pakistan. Elections were, however, contested in the remaining four of the Provincial

Assembly Zones for East Pakistan. No nomination paper of any candidate for the seats exclusively reserved for women from any of the zones was rejected and, as such, the question of appeals against rejection did not arise.

Withdrawals.

13. There was only one withdrawal from PE-155 Zone V leaving three out of four candidates to contest the election in that zone.

Projection Meetings.

14. Projection meeting for the seats exclusively reserved for women in the Provincial Assembly of East Pakistan was held on the 7th May, 1965 at the Provincial Assembly Building, Tejgaon, Dacca under the chairmanship of the Additional District and Sessions Judge, Dacca. Each candidate was allowed twenty minutes ; ten minutes for the address and ten minutes for questions and answers. The candidates discussed their roles in the social and political fields, child welfare, maternity, female education, female emancipation, Provincial autonomy, adult franchise and economic well-being of the country. The same subjects, which were touched upon by the candidates in their addresses, were the substance of the questions put by the voters.

The Poll.

15. The poll was taken on the 8th June, 1965 at the Provincial Assembly Building at Tejgaon, Dacca. The main Assembly Hall was utilised for the purpose where two screened off compartments were improvised in order to enable the voters to mark their ballot papers in secrecy. Two mechanically operated ballot boxes, which were shown empty to the contesting candidates and their polling agents before the commencement of the poll, were kept duly sealed on a table within the view of the Returning Officer, Polling Officers, the candidates and their proposers and seconders. Ballot papers were printed in four different colours, each colour representing one zone. The names of the contesting candidates from a zone were printed in Bengali and a blank space, meant for marking the ballot paper, provided against each name. No symbols were allocated. Each voter signed a declaration to the effect that he had been elected to the Provincial Assembly of East Pakistan from the Constituency named in the declaration. He then signed the counterfoil of each of the four ballot papers in token of having received the ballot papers. The polling officers entered the serial number of the voter as in the voters list on the counterfoil and then signed the counterfoil of each of the four ballot papers. The voter then proceeded to the screened off compartment, marked all the ballot papers with the copying pencil provided for the purpose, folded the ballot papers and then came out to insert the ballot papers into one of the ballot boxes.

16. Seating arrangements had been made to accommodate the voters in the Committee Room of the Assembly Building after they had cast their votes.

17. The voting commenced at 9.00 O'Clock and was soon completed. When all the voters present had cast their votes, the Returning Officer opened the ballot boxes, took out the ballot papers and sorted them out zone-wise. Then the votes cast in favour of each candidate for a zone were counted and the result declared in respect of that zone. All the 148 voters voted for the four contested seats so that the voting in each zone was cent per cent. Only two ballot papers were rejected as invalid, in respect of PE-152 Zone II. The Member, Election Commission watched the proceedings of the poll throughout. The Commission was informed of the results telegraphically as well as by telephone.

Publication of results.

18. The Commission published the names of the candidates returned unopposed in respect of the National Assembly and the Provincial Assemblies seats reserved exclusively for women *vide* Notifications No. F. 2 (32)|65-Els. (E) and F. 2 (52)|65-Els. (W), dated the 8th June, 1965. The names of candidates declared elected as a result of contested elections were also notified in the Gazette *vide* Election Commission No. F. 2 (32)|65-Els. (E), dated the 8th June, 1965. These are reproduced at Appendix 'LL'.

Forfeitures.

19. The security deposits in respect of elections to the zones of the National Assembly and the Provincial Assembly of West Pakistan, where there were no contests, were refunded in cash to the candidates concerned immediately after they were declared elected unopposed. In East Pakistan too, as none of the candidates, secured less than 1|8th of the total number of votes cast, the deposits made by all the candidates, including the candidates who withdrew their candidature, were refunded. There was no case of forfeiture of deposits.

Election Expenses.

20. A candidate was allowed to incur an expenditure not exceeding Rs. 1,000 in addition to the security deposit. Each candidate was required to file, within a week after the poll, an affidavit with the Regional Election Commissioner concerned affirming that the expenditure incurred did not exceed the prescribed limit. Except in respect of the four zones of the Provincial Assembly of West Pakistan, the affidavits were filed in time. Delays in the filing of affidavits by the four candidates from the four zones pertaining to the Provincial Assembly of West Pakistan were condoned.

21. All the six candidates returned to the National Assembly of Pakistan, and all the five members returned to the Provincial Assembly of each wing, belonged to the Pakistan Muslim League; the Combined Opposition Parties did not sponsor the candidature of any candidate at the elections. For the four Provincial seats in East Pakistan in which contests took place, the Pakistan Muslim League candidates were opposed by Independents who were all defeated. **Party affiliations.**

CHAPTER XXXII

ROLE OF POLITICAL PARTIES

Prohibition of Political Parties.

Article 173 of the Constitution reads as follows:

"Except as permitted by Act of the Central Legislature, any person who, in connection with an election required to be held under this Constitution, holds out himself or any other person as being a member of, or as having the support of, a political party or any similar organisation shall be punishable in such manner as may be prescribed by Act of the Central Legislature, but provision shall be made by law for ensuring—

(a) that each candidate at an election has the opportunity, and so far as is practicable, equal opportunity with other candidates, of addressing the persons who are entitled to vote at the election ; and

(b) that the persons entitled to vote at the election have the opportunity of questioning each candidate, face to face."

2. The provision quoted above discourages the formation of political parties and seeks, in the alternative, to provide a method by which the electorate may be enabled to assess the merit of various candidates.

3. When the Constitution was promulgated on the 1st of March, 1962, Martial Law was still operative and could only be lifted with the coming in of the new National Assembly on 8th of June, 1962. Before the 1962 elections, therefore, there were no political parties in existence and those elections had to be fought on non-party basis.

4. The second part of Article 173 which provides for the holding of "projection meetings" was, therefore, of the utmost importance as they provided an opportunity for the candidates and their Electors to meet on a common platform. These meetings, which were addressed by the candidates, and in which the Electors received answers to questions addressed to the candidates, enabled the Electors to vote for "merit". On the whole, these meetings were a success and proved also to be educative.

5. One result, however, of these provisions was that in the absence of political parties, a large number of candidates appeared on the scene. The result was that votes got so divided that there were a large number of cases of forfeiture of deposits

of candidates who secured less than one eighth of the total number of votes cast. As a matter of fact, the quantum of these forfeitures was so high in 1962 that it almost met the total expenditure incurred on the elections.

6. Early during its term of office, the 1962 National Assembly passed the Political Parties Act which permitted the formation of political parties, and it was expected that, before the next general elections, political parties based on sound principles would establish themselves. **Political Parties Act.**

7. The Muslim League was the party responsible for the creation of Pakistan in 1947. Its main platform was the establishment of a homeland for the Muslims of the sub-continent. With the achievement of Pakistan this common purpose, which had bound together the party disappeared. The emotional appeal for solidarity on the basis of past achievements was found to be insufficient and splinter groups formed themselves into fullfledged political parties. These new parties found their strength in their own organising capacities and became stronger, perhaps due to the lack of organisation of the parent party. **Revival of Parties.**

8. It was unfortunate that the old and the new parties alike soon found themselves entangled in power politics which led to mutual bickerings and dissipation of constructive effort which in turn ended in near chaotic conditions preceding the Revolution.

9. The 1962 Constitution reiterated the country's firm faith in representative Government; but in the light of past experience it adopted the Presidential form of Government and indirect elections on the basis of adult franchise.

10. The 1962 Assembly elections were held on this basis and it was hoped that some kind of political parties would emerge by 'like-minded' persons coming together to form sizeable groups with definite programmes. To facilitate such an emergence of parties, the National Assembly brought the Political Parties Act on to the Statute Book in 1962.

11. Now that the formation of parties was permitted, an attempt was made to revive the old parties. On the eve of 1964-65 Presidential election, the position was as follows:—

The Muslim League of old split itself into two. The Pakistan Muslim League with President Mohammad Ayub Khan at its head formed the major group and the 'Council' Muslim

League, with Khwaja Nazimuddin at its head, the other. The other old political parties—the Awami League, the Nizam-i-Islam, the Jamaat-i-Islami, the National Awami Party etc. also revived themselves. Another set of politicians, with Mr. Nurul Amin as the most prominent exponent, formed itself into the National Democratic Front ; they were not in favour of immediate revival of the old parties but wanted everyone opposed to the current regime to contest the elections as one opposition party and to settle their differences after the elections. This latter point of view prevailed in the sense that the Opposition parties did come together to set up Miss Jinnah as their candidate to contest the Presidential election.

12. The programme of the Combined Opposition Parties (C.O.P.) consisted in a revival of the Parliamentary (Cabinet) system of Government and direct elections. Naturally, they could not come together on any other items of a common programme. The selection of a Presidential candidate (Miss Jinnah) was the main point of their concensus of opinion. Miss Jinnah could be expected to have an emotional appeal for the people as the sister of the great leader under whom Pakistan was achieved.

13. The re-birth of political parties did not thus get off to the right start. Instead of groups of like-minded people putting forward their distinctive programmes for choice before the people, the C.O.P. relied mainly on the personality of their candidate. The result was that, with the defeat of the C.O.P. Presidential candidate, the unity of the C.O.P. crumbled, leaving the groups all the weaker on the eve of Assembly elections.

14. The Pakistan Muslim League, on the other hand, emerged as a strong political party. The President's manifesto was adopted by the party which also organised itself under the directions of President Mohammad Ayub Khan who had been elected President of the League.

Absence of strong opposition.

15. It must, however, be mentioned that the absence of a strong opposition party is not a healthy sign for the future development of politics in the country. The ruling party has an overwhelming majority in the legislature and the opposition, apart from being weak, is unorganised and without an agreed programme.

16. The progress of canvassing during the Presidential election, however, showed great promise of a good future for political parties. Neither party was sure of success. The two candidates joined battle in right earnest and their points of view

were explained in detail all over the country. What made the difference was that on one side there were concrete and constructive programmes which were, for the most part, already under successful implementation. On the other side were only vague promises that everything would be done in accordance with the wishes of the people once direct elections were re-introduced.

17. The manifestos of the two parties have been dealt with in earlier chapters and they appear at Appendix 'N'.

Party Symbols.

18. The candidates at the elections were to select their own symbols. Usually, well-organised parties have their symbols, which are duly allotted to their party candidates. At the Presidential election, 'Rose' was the symbol of the Pakistan Muslim League nominee whereas 'lamp', which later on assumed commonly the name of 'Lantern', was the symbol chosen by the C.O.P. for its candidate. These symbols also came to be recognised as party symbols for the Assembly elections. However, in East Pakistan the C.O.P. decided to have 'Umbrella' as a symbol in preference to the 'Lantern' selected in West Pakistan. Some of the C.O.P. candidates preferred the "Lantern" while others asked for, and were allotted, the "Umbrella".

19. The Commission agreed to allocate party symbols to the nominees provided duly authenticated lists of candidates put up by the parties were furnished to the Commission within the specified time. The Pakistan Muslim League supplied the lists of candidates sponsored by it in time. The Central Committee of the C.O.P., on the other hand, supplied incomplete lists which were finalised only later by the local committees of the C.O.P. As it transpired, especially in East Pakistan, the lists supplied by the Central Committee of the C.O.P. sometimes did not tally with those adopted by local committees. This showed lack of proper coordination. A feeling existed in some quarters in East Pakistan that nominees of the Central Committee of the C.O.P. for Assembly elections were, in many cases, opposed by their District Committees which set up other candidates locally without the knowledge of Central Committee. In West Pakistan, in one case, the name of one of the nominees was not contained in the list of candidates furnished by the C.O.P. although the candidate himself professed to owe his allegiance to that party and claimed to be its nominee. As it was difficult to rely on the mere statement of the r[illegible] himself, he was refused that party's symbol by the [illegible]urning Officer. The candidate, however, sought redress by proving his adherence to,

and selection by, the C.O.P. before the High Court, which ordered allocation of that party's symbol to him. The Returning Officer complied with the directions of the High Court and the ballot papers for the Constituency were accordingly reprinted.

20. The Presidential electioneering campaigns were organised by the parties. The rival candidates set up by the two parties toured both the wings extensively with a view to explaining the aims and objects of their candidature. These campaigns were immediately followed by the Elector-candidate meetings which afforded equal opportunities to the contesting candidates.

C.O.P. demands and their acceptance.

21. The C.O.P. placed a number of demands before the Commission. Of these, the demand for having a polling station for a sufficiently large administrative unit *e.g.* a Tehsil|Taluka in West Pakistan and a Thana in East Pakistan was accepted by the Commission. The Commission did not agree to exclude executive officers from various assignments in connection with the elections. This was justified by the impartial manner in which elections were conducted by these officers. The Commission also considered as unreasonable the demands for enlarging the polling area beyond the area of a Tehsil|Taluka in West Pakistan and Thana in East Pakistan, of having the identity cards signed by the District and Sessions Judges and of allowing the polling agents to sign the ballot papers besides the signature of the Presiding Officer and the official seals.

Consultations with the Parties.

22. The Commission was at all times keen to seek the co-operation of the two main parties for the successful completion of elections and towards that end took them into confidence at every stage. Many difficulties and problems were discussed with them and their views were sought and given due weight and consideration. The Commission also encouraged a free and frank exchange of views between the officers of the Commission on the one hand, and the party representatives on the other, on purely non-political matters having a bearing on elections. This exchange of views helped the Commission in making correct administrative arrangements. As a result of these discussions and frequent contacts, a greater appreciation of mutual difficulties was possible and the scope for misunderstanding was substantially reduced. The actual arrangements made by the Commission proved to these parties as well as to the general public that the Commission had left no stone unturned to ensure free and impartial elections.

23. At the Presidential election, the Pakistan Muslim League set up four candidates, three of whom withdrew, leaving Field Marshal Mohammad Ayub Khan, their main candidate, in the contest. The C.O.P., on the other hand, sponsored the candidature of Mohtarama Fatima Jinnah only. Field Marshal Mohammad Ayub Khan was returned by a sizeable majority. The two independent candidates forfeited their security deposits. In the National and Provincial Assemblies elections, the Pakistan Muslim League and the C.O.P. put up their respective candidates as indicated in the table below :— **Party Nominees.**

	Candidates set up at the National Assembly elections	Candidates set up at the elections for Provincial Assembly of East Pakistan	Candidates set up at the elections for Provincial Assembly of West Pakistan
Pakistan Muslim League.	154	152	135
Combined Opposition Party.	97	—	6
Independents ...	173	525	222

The statement below gives the result of the elections party-wise.

	Number of candidates winning National Assembly seats	Number of candidates winning seats in the Provincial Assembly of East Pakistan	Number of candidates winning seats in the Provincial Assembly of West Pakistan
Pakistan Muslim League.	124	71	104
Combined Opposition Party.	15	—	1
Independents ...	17	84	50

A detailed statement of the candidates sponsored by the parties, and also a statement of the results party-wise at the Assembly elections, appears at Appendix 'MM'.

CHAPTER XXXIII

FINANCIAL ARRANGEMENTS FOR ASSEMBLIES ELECTIONS

Allocations. Funds were provided in the budget for the National and Provincial Assemblies elections in the same manner as for the Presidential election. A total sum of Rs. 5,92,500 was provided for the purpose.

2. A sum of Rs. 1,05,000 was provided for elections to the reserved seats for women. This amount was determined keeping in view the fact that T. A. and D. A. will be payable to the Members of the Assemblies for attending the Elector-candidate meetings. However, T. A. and D. A. was actually paid by the Assembly Secretariat as the Members of the Assemblies were called on the eve of their respective sessions. The elections being uncontested in most of the cases, this expenditure was negligible.

3. 250 copies of the Electors' lists were printed at the time of the Presidential election and this number was sufficient to meet the requirements of National and Provincial Assemblies polls as well. The lists, duly arranged Constituency-wise, were offered for sale. There was thus no additional expenditure on printing or re-arrangement of the Constituency-wise Electors' lists for the Assemblies elections.

Main items of expenditure. 4. The following were the major items of expenditure in connection with the National and Provincial Assemblies elections :—

(a) A sum of Rs. 45,000 was allocated to the Divisional Commissioners for meeting the expenditure on holding Elector-candidate meetings in respect of polls for the Assemblies. Each province got Rs. 22,500 at the rate of Rs. 100 per Central|Provincial Constituency. Regional Election Commissioner, East Pakistan, represented that the allocation of a sum of Rs. 100 per Central|Proviniial Constituency was insufficient and pressed for enhancement. A further sum of Rs. 7,500 was, therefore, placed at the disposal of Divisional Commissioners in East Pakistan @ Rs. 50 per Central Constituency and Rs. 25 for each Provincial Constituency.

(b) In the same way, a sum of Rs. 27,000 (Rs. 13,500 to each Province) was allocated for procurement of election material locally and for contingent expenditure, service postage stamps and despatch of documents from Polling Stations to the Returning Officers. These allocations were made at the rate of Rs. 25 per Central/Provincial Constituency for local purchase and supply of election material, stationery etc. and at the rate of Rs. 35 per Constituency for contingent expenditure, service postage stamps and for despatch of election documents etc.

(c) A sum of Rs. 12,831 was placed at the disposal of Divisional Commissioners in East Pakistan for meeting expenditure to improvise polling stations. These funds had to be augmented by Rs. 10,000 for meeting expenditure on additional polling arrangements necessitated by the devastation caused by cyclones in the districts of Khulna, Bakerganj, Dacca, Faridpur and Noakhali.

(d) The Regional Election Commissioners of both the Provinces were authorised by the Commission to incur expenditure to the extent of Rs. 1,77,000 (Rs. 93,500 in West Pakistan and Rs. 83,500 in East Pakistan) on the National and Provincial Assembly elections. The break-up of items for which allocations were made is given below :—

	West Pakistan	*East Pakistan*
	Rs.	Rs.
1. Delimitation of Constituencies for National and Provincial Assemblies.	10,000	10,000
2. Stationery, Envelopes, Forms, etc.	5,000	5,000
3. Service Postage Stamps and Telegram Charges	15,000	15,000
4. Telephone Charges	10,000	10,000
5. Entertainments	1,000	1,000
6. Publicity	2,500	2,500
7. Supply of election material ...	2,500	2,500
8. Transportation of Ballot Boxes ...	5,000	5,000
9. Miscellaneous	2,500	2,500
10. Elections to the Reserved seats for women	40,000	30,000
Total ...	93,500	83,500

These allocations do not include the expenditure which was incurred directly by the Commission Secretariat at Rawalpindi.

Total expenditure.

5. A total sum of Rs. 4,68,533 was incurred on elections to the National and Provincial Assemblies ; Rs. 2,02,403 being the expenditure incurred on elections to seats for the National Assembly and Rs. 2,66,130 on elections to the Provincial Assemblies seats. The break-up of the expenditure is given below for the National Assembly and the two Provincial Assemblies :—

S. No.	Details of expenditure	Amount
1	2	3
		Rs.
	NATIONAL ASSEMBLY	
1.	Service Postage and Telegram charges	58,041
2.	Telephone Charges	15,216
3.	Conveyance Allowance, Late Duty etc. paid from contingencies to the staff	2,710
4.	Maintenance of staff cars	8,736
5.	Transportation Charges	1,507
6.	Entertainment Charges	1,993
7.	Honoraria	20,185
8.	Election Material	5,750
9.	Publicity	6,000
10.	Election Meetings	22,500
11.	Travelling Allowance	15,919
12.	Ballot Paper	18,000
13.	Delimitation of Constituencies	8,000
14.	Transportation of Ballot Boxes	4,000
15.	Expenditure on election to the seats reserved for women	7,500
16.	Miscellaneous	2,000
17.	Stationery/Forms etc.	4,346
	Total ...	2,02,403
	PROVINCIAL ASSEMBLIES	
1.	Service Postage and Telegram Charges... ...	73,500
2.	Telephone Charges	14,034
3.	Conveyance Allowance, Late Duty, etc. paid from contingencies to the staff	2,255
4.	Maintenance of Staff Cars	4,514
5.	Transportation Charges	349
6.	Entertainment Charges	1,124
7.	Honoraria	20,185

1	2	3
		Rs.
8.	Stationery/Forms, etc.	6,466
9.	Election Material	33,331
10.	Publicity	7,000
11.	Election Meetings	30,000
12.	Ballot Paper	34,000
13.	Travelling Allowance	10,872
14.	Delimitation of Constituencies	12,000
15.	Transportation of Ballot Boxes	6,000
16.	Expenditure on election to the reserved seats for women	7,500
17.	Miscellaneous	3,000
	Total ...	2,66,130

6. The amount realised as receipts was from the following accounts:— Receipts.

	Amount
	Rs.
(1) Forfeiture of deposits	3,73,000
(2) Sale Proceeds of Constituency-wise elector's list	13,331
(3) Sale of nomination papers	1,715

The amount of receipts from each of the items is indicated against them ; the total receipts being of the order of Rs. 3,88,046.

GPPR—177 El. Com.—11-1-67—1,000.